

INTERNATIONAL STRADDLING FISHERIES STOCKS

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International Straddling Fisheries...

SUBCOMMITTEE ON FISHERIES MANAGEMENT

OF THE

COMMITTEE ON
MERCHANT MARINE AND FISHERIES
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

H. CON. RES. 135

A CONCURRENT RESOLUTION CALLING FOR THE UNITED STATES TO TAKE FURTHER STEPS TO ESTABLISH AN INTERNATIONAL FISHERY AGREEMENT FOR CONSERVATION AND MANAGEMENT OF LIVING MARINE RESOURCES IN INTERNATIONAL WATERS OF THE BERING SEA KNOWN AS THE DONUT HOLE

AND H.R. 3058

A BILL TO IMPLEMENT THE CONVENTION OF FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

SEPTEMBER 22, 1993

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INTERNATIONAL STRADDLING FISHERIES STOCKS

WEDNESDAY, SEPTEMBER 22, 1993

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FISHERIES MANAGEMENT,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC.

The subcommittee met, pursuant to call, at 1:30 p.m., in room 1334, Longworth House Office Building, Hon. Thomas J. Manton [chairman of the subcommittee] presiding.

Present: Representatives Manton, Hughes, Unsoeld, Lancaster, Hamburg, Studds and Young.

Staff Present: Jeffrey Pike, Jim Mathews, Greg Lambert, Lori Rosa, Jean Flemma, Rod Moore, Julie Roberts, Dave Whaley, Ed Lee, Margherita Woods and John Rayfield.

Mr. MANTON. Ladies and gentlemen, we are about to get started. If we can get all of our folks up to the table—thank you.

STATEMENT OF HON. THOMAS J. MANTON, A U.S. REPRESENTATIVE FROM NEW YORK, AND CHAIRMAN, SUBCOMMITTEE ON FISHERIES MANAGEMENT

Mr. MANTON. Good afternoon everybody. Welcome.

Today, the Subcommittee examines straddling fish stocks—so called because they move between the high seas and the Exclusive Economic Zone, EEZ, in effect, straddling the EEZ boundary.

It is abundantly clear to me that a major problem of fisheries management, if not the major problem, is the inability of any one government to adequately conserve and manage fisheries. Historically, fish conservation was left to the individual States. In 1976, with the passage of the Magnuson Act, the Federal Government assumed an important role in protecting fisheries resources. Just this year, the House passed H.R. 2134, the Atlantic Coastal Fisheries Cooperative Management Act of 1993, which recognized the need for cooperation among the States in order to ensure a consistent and unified approach to the management of Atlantic Coast fisheries.

Today, we begin an examination of the need for cooperation among nations. Currently, there are a number of international organizations, such as the International Commission for the Conservation of Atlantic Tunas (ICCAT), that facilitate international cooperation in the management and conservation of fisheries. However, nations do not easily arrive at agreements on managing fisheries nor are nations necessarily consistent in their support for interna-

tional fishery conservation efforts, as demonstrated by the U.S. positions on issues now before the Subcommittee.

The two matters before us involve the management of high seas fisheries close to our coasts. H. Con. Res. 135 endorses the Administration's efforts to develop an international regime to govern fishing within the area off Alaska known as the Donut Hole.

H.R. 3058 is implementing legislation to facilitate U.S. participation in the Northwest Atlantic Fishing Organization (NAFO), the international body for regulating fisheries of the northwest Atlantic, just off the northeastern United States.

NAFO is a textbook example of the difficulty in developing a meaningful international fishery conservation regime. While the United States helped develop NAFO and signed the original agreement, we have failed to enact the implementing legislation necessary to become an active and participating member. Hence, U.S. fishermen are not subject to reasonable restrictions and are free to fish within this area without regard to quotas or other limitations. As a result, many view this situation as undermining the conservation goals of NAFO and endangering the continued commercial viability of these stocks.

So, on the one hand, we have the U.S. pursuing a policy for establishing a strong international management policy for the Central Bering Sea, while simultaneously failing to live up to its initial commitment to fisheries in the northwest Atlantic.

I am firmly convinced that cooperative international fishery conservation efforts are essential if we are to perform the important tasks of protecting these resources for future generations and assuring the continued viability of our domestic commercial fishing industry. I hope this hearing will further foster these goals.

I note the United Nations recently held a two-week conference on global fisheries resources, thus highlighting the importance of international cooperation. I was particularly pleased that the U.S. took a prominent position in this conference and came out as a strong proponent of international cooperation in the conservation of fisheries resources. Clearly, more international cooperation is essential if we are to protect these valuable resources, and I am pleased that this subcommittee is taking a leading role in this effort.

Mr. MANTON. We await the arrival of our Ranking Member, Mr. Young, who is currently engaged with some constituents. So I will turn to our Member from the State of Washington to see if she has an opening statement.

STATEMENT OF HON. JOLENE UNSOELD, A U.S. REPRESENTATIVE FROM WASHINGTON

Mrs. UNSOELD. Thank you, Mr. Chairman. Yes, I do.

I would like to add my voice to the others concerned about the conservation crisis brought about by overfishing in the Central Bering Sea. This ecologically rich area is vital to our national and local economies, yet overexploitation and the inability of the international committee to adopt appropriate management measures have threatened not only the environmental integrity of the region but also our ability to use our resources on a sustainable basis.

To date, there have been seven multilateral conferences and numerous other meetings convened to establish a management agreement. But these efforts have produced little progress, and it was not until the fisheries collapsed that fishing was voluntarily suspended.

Last month, I was in Japan to raise this issue with members of the Japanese Diet, European parliament and Russian General Assembly. The shared concern expressed by these legislators is reflected in a letter we sent to each of the six countries that have fished in the Donut Hole. I would like to submit a copy of this letter for the record, along with a list of the countries that received it.

Mr. MANTON. Without objection.

[The information can be found at the end of the hearing.]

Mrs. UNSOELD. Mr. Chairman, with the next international meeting scheduled for early next month in Seoul, Korea, we can send a strong signal with Representative Young's resolution that a long-term multilateral agreement must be reached for managing the fisheries of the Donut Hole.

As a cosponsor, I urge prompt action to move this resolution forward. On behalf of my colleague, Mr. Young, I would like to ask unanimous consent that the statements of all committee Members appear in the record.

Also, I would request that a statement on H. Con. Res. 135 from the American High Seas Fisheries Association be included in the record.

Mr. MANTON. Without objection, it is so ordered.

Mrs. UNSOELD. Thank you very much, Mr. Chairman.

Mr. MANTON. Without objection, at this time we will enter into the record a statement of the Chairman of the Full Committee, Mr. Studds.

STATEMENT OF HON. GERRY E. STUDDS, A U.S. REPRESENTATIVE FROM MASSACHUSETTS, AND CHAIRMAN, MERCHANT MARINE AND FISHERIES COMMITTEE

Today the Subcommittee meets to hear testimony on two international agreements intended to conserve and manage fisheries stocks on the high seas. While these two agreements are very far apart geographically, ideologically they are very much related.

In the North Pacific, the U.S. seeks a management regime for pollock stocks that originate in U.S. waters but migrate to the Donut Hole, an area of international waters. There, the stocks are heavily fished upon by nations such as Poland and Japan. Through negotiations we hope to manage and limit the catch of these nations to ensure the long-term health of the pollock fishery. In the Northwest Atlantic, the situation is quite similar. The Northwest Atlantic Fisheries Organization (NAFO) sets management guidelines and harvest quotas for fisheries such as cod, flounder, squid, and hake, many of which originate in Canadian waters. Yet, in this case, the U.S. is currently not a party to the NAFO agreement.

We live in a world growing steadily smaller, where activities in the waters off our coasts have the potential to impact resources of concern to other nations, just as their activities have the potential to impact our resources. As the United Nations Conference on straddling stocks re-emphasized last month, the United States and all coastal States have a responsibility to participate in international organizations such as NAFO that provide responsible management and conservation for shared resources on the high seas.

In the Donut Hole, we are seeking the cooperation of Japan and Poland. In the Atlantic Ocean, we are seeking the cooperation of Mexico, pressuring them to join ICCAT and adhere to management guidelines for bluefish tuna stocks that are of great economic importance to our fishermen. Earlier this summer, when a closure was imposed on U.S. fishermen who fished for cod on Georges Bank and Canadian

fishermen continued to harvest the same stocks and sell it in U.S. markets, our fishermen sought cooperation from Canada to jointly manage these stocks. Yet, if we continue to expect cooperation from each of these nations, however, it seems logical that similar cooperation be expected of the U.S. with regard to NAFO.

At the same time, if the U.S. does join NAFO, our fishermen deserve a quota to harvest fish within the regulatory area managed under the Convention. I believe historical fishing practices support this assertion, and without a quota, there is little incentive for our fishermen to support such an effort.

Also entered into the record is a statement of Mr. Fields, the ranking minority member of the Full Committee.

STATEMENT OF HON. JACK FIELDS, A U.S. REPRESENTATIVE FROM TEXAS, AND RANKING MINORITY MEMBER, COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. Chairman, this hearing will examine two issues relating to international agreements among neighboring nations to manage fisheries stocks in international waters.

In the case of the "Donut Hole" in the Bering Sea, the agreement would bring several nations together to better manage the stocks of straddling species of fish, in particular the pollock, which migrate through this area of international waters. While a temporary moratoria on fishing in the Donut Hole is currently in place among several nations, allowing the U.S. to negotiate a more permanent solution is important.

The second issue before us today is the implementing legislation to allow the U.S. to participate as a signatory nation to the Northwest Atlantic Fisheries Organization. While the U.S. was a party to the original agreement and actually signed the convention in 1983, implementing legislation was never enacted. If the U.S. is to become a full participating member of this organization, we should move forward on this organization.

I look forward to hearing the testimony of the witnesses to see whether these agreements do, in fact, represent the best course of action for the U.S. to better conserve and utilize our fisheries resources.

Thank you, Mr. Chairman.

Mr. MANTON. We will move to our panel.

Our first witness is the Honorable David A. Colson, Deputy Assistant Secretary for Oceans and Fisheries Affairs, U.S. Department of State.

STATEMENT OF THE HONORABLE DAVID A. COLSON, DEPUTY ASSISTANT SECRETARY FOR OCEANS AND FISHERIES AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. COLSON. Thank you, Mr. Chairman, and thank you for your opening comments. I could not agree with you more.

I do have a prepared statement and ask that it be placed in the record.

Mr. MANTON. Without objection.

Mr. COLSON. I would like to summarize the administration's approach for dealing with the problem of straddling fish stocks. I will skip over the efforts to define them and to identify the various conservation and management problems that arise in this connection since you so clearly laid those out in your own statement.

I think it is fair to say that in the mid-1970's, when the United States established its 200-mile exclusive economic zone, we did not fully understand the nature of this problem nor did we foresee that we would have a major straddling stock problem in the Bering Sea.

But as the U.S. trawl fleet in the Bering Sea and Gulf of Alaska displaced the foreign presence in our waters, we found that some of those foreign vessels entered the Donut Hole area, the area of the Bering Sea beyond 200 miles from the U.S. and Russian coasts.

They found that they were able to carry out a viable commercial fishery for pollock in that area. This fishery began in about 1985, and vessels from Poland, China, Korea and Japan and, to a limited extent, Russia, participated in it. In that first year, approximately 360,000 metric tons of pollock were taken from the donut hole.

We soon concluded that this pollock was part of the Aleutian Basin stock that contributes to a very substantial fishery in our zone and which we manage through the North Pacific Fishery Management Council.

As the foreign catches in the Donut Hole increased to about 1.5 million metric tons by 1989, our managers noted the serious negative potential consequences for the stock and for the Bering Sea ecosystem as a whole. Those negative consequences have now come to pass. We have no directed fishery on this stock in our zone. And after considerable effort and, as it was stated, after the stock had virtually collapsed, we reached agreement in August of 1992 that there would be a voluntary suspension of fishing in the Donut Hole by all concerned in 1993 and 1994 while we pursue negotiations on a long-term agreement. I would like to return to those negotiations in a moment and set a larger international context.

The straddling stock problem also occurs in several other areas of the world. As we know, it occurs on the Grand Banks in the northwest Atlantic. There is a very serious problem in the Sea of Okhotsk. It also is a serious problem off the Argentine Coast and off the coast of New Zealand, to name a few.

As I am sure you know, off Canada there has been a severe problem for years which has embroiled Canada and the European Community in a very bitter political debate about the straddling stock issue.

At the onset of UNCED negotiations in Rio, Canada pressed for a set of principles that would have resolved the straddling stock issue in its favor, and this was strongly opposed by the European Community.

The result at Rio was to agree to hold a conference, which is often the solution to some of these problems in international settings—but the world agreed to hold a conference under United Nations auspices on the straddling stock and highly migratory species issues. That conference had its first session in July, and it will resume in March of 1994.

In these meetings, we have taken the position that we can produce a set of principles that can be applied on a regional basis.

We are strong advocates of the point that states must participate in regional fishery management organizations if they fish in the region concerned and that such organizations must be retooled to become effective in conserving the resources as a matter of first priority.

Also, the straddling stock problem and other problems associated with overfishing, by-catch problems, led the Food and Agriculture Organization, to start on developing a Code of Conduct on Responsible Fishing.

I would note that the idea for this was initially a Mexican initiative.

One part of the Code, and the first that would be completed is an international agreement on high seas fishing. This treaty, which

began as an effort to prevent vessels from reflagging for the purpose of avoiding agreed fishing restrictions, will require that all vessels fishing on the high seas observe international fishing rules and fish only with specific authorization from their flag States. The treaty also will create a transparent regime in which information on high seas fishing activities is made generally available through FAO. This treaty could greatly assist the United States and the international community in dealing with the growing problems of uncontrolled fishing on the high seas, particularly by vessels flying flags of convenience. I hope that FAO can wrap up this negotiation as early as this November.

While we advance toward solutions to these issues through global negotiations and through negotiations with the countries directly concerned in the Donut Hole, we, unfortunately, do have another situation that calls into question our support for regional approaches. That is the situation in the northwest Atlantic where the U.S. remains outside of the relevant organization, NAFO.

The Senate gave advice and consent to the NAFO treaty in 1983, but we have never deposited the relevant legal instrument to join because no implementing legislation has been passed through which we could meet our obligations.

The reasons for this are none too clear, although it is clear that some fishermen in New England would prefer to fish in the NAFO region without regulatory control. That is understandable, but it is an attitude that cannot be supported in today's world where we must act vigorously to protect the environment and act with other countries to assure the sustainable use of fishery resources over time.

We must have credible and consistent positions to be effective on global fishery and environmental issues like driftnets or the Donut Hole, and that means we must join NAFO and work within it to accomplish our objectives.

Last year, the Bush administration forwarded implementing legislation for the NAFO agreement to Congress. Unfortunately, there was not time to act upon it.

The Clinton administration reviewed this early on in the context of a National Security Council directed review of global environmental issues and likewise concluded to support early passage of legislation.

Thus, we are pleased that H.R. 3058 has been introduced, and I can state full administration support for its passage.

Returning now to the Donut Hole. The fishery problem in the Bering Sea has been a subject of statements of concern during the last three summit meetings between the Presidents of the United States and Russia, including most recently in Vancouver.

It was the subject of legislation last year, and it is the subject of H. Con. Res. 135 introduced this year, which enjoys the full support of the Administration.

The negotiations with Poland and Korea, Japan and China on the one hand and Russia and ourselves on the other have been tough and intense. There have been seven major meetings since early 1991, and the eighth will occur in two weeks in Korea.

Some progress has been made. Particularly, there is in place now the voluntary suspension of fishing for this year and next which

gives us an opportunity to conclude some conservation and management arrangements for the post-1994 period.

In the work on a long-term agreement many of the elements as well have been agreed. There is a bracketed text. We are halfway there on the all-important element of decisionmaking. In essence, we have agreed that if the allowable catch for any year for the Aleutian Basin stock cannot be decided by consensus it will be based upon determinations made by the United States with respect to the Bogoslof Island fishery, which we call Area 518 in our zone.

Where we remain apart is on the all-important question of the allocation of the allowable catch between the U.S. and Russian zones and the potential fishery in the Donut Hole. Although the U.S. and Russia are entitled to utilize fully the fishery resources in our zone, we have recognized the need for cooperation with the high seas fishing states. Accordingly, we have offered to divide the allocation between the zones and the Donut Hole based on geography.

We have passed out a chart that demonstrates that the Donut Hole is approximately 15 percent of the Aleutian Basin, with the rest being in the Russian and the U.S. zones. We believe that a geographic picture represents a fair allocation and intend to stick to a percentage of that order.

The fishing states suggested that the allocation should be based on historical catches. Of course, it is hard to call a fishery that began in the mid-1980's historical, nor is it right to reward the overfishing that occurred in the mid to late 1980's.

We will take this point up in Korea the first week in October. I hope resolutions like Resolution 135 and the letter all the negotiators have received from Globe to call attention to these issues will pay dividends.

The foreign countries concerned should understand, however, that our willingness to recognize that in certain conditions a foreign fishery could again occur in the Donut Hole should not be taken as a sign that we will compromise away our fundamental interests or our responsibility to protect and preserve the marine environment.

It is, of course, imperative that we complete these negotiations soon if there is to be any fishing in the Donut Hole after 1994.

Mr. Chairman, I would like to conclude with one other observation concerning high seas fishing on straddling stocks.

There is a real problem when our government advocates one thing, when vessels flying the U.S. flag do another, and the government is without the legal tools to do anything about it. I have noted how this relates to NAFO.

I would be remiss before this Committee, however, if I did not note the potential for this to be a problem in what is called the Peanut Hole in the Sea of Okhotsk. The Peanut Hole is an area like the Donut Hole, completely surrounded by the Russian 200-mile zone but with a high seas enclave inside.

We have prohibited U.S. vessels from fishing in the Donut Hole unless they do so pursuant to an agreement. We have heard rumors that there may be—that some U.S. vessels are planning to go to the Donut Hole since there have been conservation restrictions put in place in both the U.S. zone and in the Donut Hole.

It might be well to consider closing the Peanut Hole to U.S. vessels as well. Should even one or two enter that depressed fishery it would completely undermine our cooperative efforts with Russia and our position in the Donut Hole negotiations.

Thank you.

Mr. MANTON. Thank you, Mr. Ambassador.

[The statement of Mr. Colson can be found at the end of the hearing.]

Mr. MANTON. Mr. Matlock, the Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

STATEMENT OF GARY MATLOCK, ACTING DEPUTY ASSISTANT ADMINISTRATOR FOR FISHERIES, NATIONAL MARINE FISHERIES SERVICE

Mr. MATLOCK. Thank you, Mr. Chairman.

I am pleased to be here today to discuss fisheries management challenges regarding the management of straddling stocks. The conservation of such stocks often requires coordinated management action by the involved nations to be effective.

On a global scale, as you have already heard, this challenge is being addressed by a United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and through the Food and Agricultural Organization's efforts to develop a code of conduct for responsible fishing.

The theme of sustainable development, arising from the United Nations Conference on Environment and Development, has moved to the center stage of international fisheries conservation and management. These activities underline the fact that the situations we face off our own coasts are examples of problems facing the world.

I would first like to turn to the challenge of leading the distant water fishing countries of China, Japan, the Republic of Korea and Poland to a sensible system of conserving the Donut Hole's valuable pollock resource. We welcome and wholeheartedly support H. Con. Res. 135 and its support for continuing these efforts.

Through the diplomatic process, we have achieved a voluntary suspension of all commercial fishing in the Donut Hole during 1993 and 1994, and all the involved countries are committed to negotiating a long-term management regime for the area.

In addition, we have closed to directed fishing the major spawning area of the Aleutian Basin stock of pollock. We have stopped permitting foreign trans-shipment in our EEZ and prohibited our fishermen from operating in the Donut Hole.

Furthermore, we supply expertise and information about the pollock resource and its trends and state-of-art means of fisheries monitoring and enforcement.

We have hosted a number of international scientific meetings to collect and assess the data that have been critical to the negotiations and plan to hold a pollock symposium in early 1994.

The Department of Commerce has placed a high priority on successfully concluding the ongoing negotiations with a long-term conservation and management regime which serves our substantial interests for pollock in the Donut Hole.

We will continue to work closely with other countries, all of whom have agreed to make every effort to conclude the negotiation process during 1993.

Turning to the matter of the U.S. joining the Northwest Atlantic Fisheries Organization, the Department supports H.R. 3058 and U.S. involvement in NAFO. Extension of fisheries jurisdiction to 200 miles required U.S. withdrawal from NAFO's predecessor, the International Commission for the Northwest Atlantic Fisheries. The U.S. recognized, however, that a successor organization should continue many important functions of the Commission, especially data collection, scientific research and rationale management of straddling stocks.

We played an active role in the negotiations that led to the NAFO convention.

The Department, through the National Marine Fisheries Service, has continued to submit catch and effort information to NAFO relating to U.S. fishing activities in areas regulated by NAFO. We have participated in NAFO's scientific as well as management activities in an observer capacity.

The benefits of these activities to the United States would be significantly enhanced were the U.S. to become a contracting party to the NAFO convention.

In addition, by joining NAFO, we would have a voice in the conservation and management decisions affecting fishery resources in the NAFO regulatory area, including the allocation of catches from the regulated stocks.

NAFO is facing a number of challenges arising from declining or already depressed fish stocks. These circumstances make it even more important, from the conservation standpoint, for the U.S. to express its interests in the international regulatory body.

Also, the U.S. is advancing the general argument that fishing countries have a responsibility to join and participate in regional fishery conservation and management organizations to manage fisheries in which the country participates or to cooperate in processes such as one the U.S. is leading regarding the Donut Hole fisheries where regional organizations do not exist.

Thank you, Mr. Chairman. I will be happy to answer any questions at the appropriate time.

Mr. MANTON. Thank you. We will go through the panel and then open up for questions.

[The statement of Mr. Matlock can be found at the end of the hearing.]

Mr. MANTON. Mr. Ron Somerville, Special Assistant to the Commissioner, Alaska Department of Fish and Game.

STATEMENT OF RON SOMERVILLE, SPECIAL ASSISTANT TO THE COMMISSIONER, ALASKA DEPARTMENT OF FISH AND GAME

Mr. SOMERVILLE. Thank you, Mr. Chairman.

I am Ron Somerville. I am Special Assistant to the Commissioner of Fish and Game for the State of Alaska. I am pleased to be here to present the views of the State of Alaska regarding House Concurrent Resolution 135 and the issues surrounding the Central Bering Sea Donut Hole.

I will try to leave the duplicative testimony here from Mr. Colson and Mr. Matlock and get to the few points I would like to stress in support of that.

Obviously, as you probably have surmised, we very strongly support Congressman Young's sponsored H.Con.Res. 135. I would like to point out that the Northern Pacific Fisheries Management Council yesterday passed a resolution in strong support of H.Con.Res. 135.

I would also like to say right up front that—in support of this resolution—we are not being critical of the State Department and other agencies' efforts to conclude an agreement in the Donut Hole. We feel they are doing an admirable job, and we are very supportive of their efforts.

I think it is important to put a little bit of this into perspective, Mr. Chairman. One is, from our standpoint, Alaska's resources belong to a lot of people. They are very important, rich resources, and the fisheries are important to a large number of fishermen, both inside and outside Alaska.

The area of the Central Bering Sea Donut Hole is a small enclave. Less than 10 percent of the total area of the Bering Sea or about 15 percent of that portion of the Bering Sea are at depths that exceed 200 meters. This deepwater area is referred to as the Aleutian Basin, and encompasses waters inside both the Russian and U.S. 200-mile zones as well as the Donut Hole enclave.

Within the Aleutian Basin there is a stock of pollock which we refer to as the Aleutian Basin pollock stock. This stock of pollock inhabits the deepwater area of the Bering Sea and straddles the boundaries between the U.S. zone, the Russian zone, and the Donut Hole area. Spawning occurs almost exclusively inside the 200-mile zones.

A major component of the Aleutian Basin stock is what we refer to as the Bogoslof pollock stock, which appears to move from spawning grounds around Bogoslof Island in the Aleutians into the Donut Hole and back. Estimates indicate that 60 percent to 80 percent of the Aleutian Basin stock may be originating in the U.S. zone near Bogoslof Island.

The best information which is available to us strongly suggests that the Aleutian Basin stock has been severely overfished. There appears to be a strong correlation between the dramatic decline of the Donut Hole fishery and the precipitous collapse of the Bogoslof stock. Biomass estimates for the Bogoslof pollock stock show a dramatic decrease from 2.1 million metric tons in 1989 to a low of 600,000 tons estimated for 1991. The preliminary 1993 estimate for Bogoslof, as reported by NMFS in June of this year, was in the 600,000 to 900,000 metric ton range.

This decline corresponds closely to the dramatic decline in foreign catches reported for the donut hole. The first reported catches for the foreign fleets totaled about 360,000 metric tons in 1985. This had grown to a reported catch of 1.447 million metric tons in 1989. By 1991, the reported catch had dropped to around 290,000 metric tons. By 1992, the fishery had collapsed to the point that a little over 10,000 metric tons was reported harvested.

The collapse of the Aleutian Basin stock has had a significant impact on U.S. Fishermen. In 1991, the Aleutian Basin pollock roe

fishery in the U.S. zone alone was valued at \$106 million. In response to the obvious need to conserve the Aleutian Basin stock, the North Pacific Fishery Management Council took action in 1991 to close the fishery for 1992 in U.S. waters, and to prohibit U.S. vessels from fishing in the Donut Hole. The fishery remains closed today at great cost to U.S. fishermen.

In this regard, we have been joined by the Russian Federation, which has taken similar actions in order to conserve the Aleutian Basin stock. Unfortunately, the efforts of the United States and the Russian Federation to conserve this stock have been severely compromised by the lack of action by the distant water fishing nations.

During the past two and one half years, the United States, joined by the USSR and later the Russian Federation, has tried unsuccessfully to conclude a multilateral agreement with the distant water fishing nations.

The frustrations and concerns that came out of the Tokyo Conference surfaced this July in New York at the U.N. sponsored Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. At the U.N. conference, the United States and the Russian Federation issued a joint statement regarding the Central Bering Sea and the Sea of Okhotsk.

In the case of both the Central Bering Sea Donut Hole and the so-called "Peanut Hole" enclave of the Sea of Okhotsk, the same fleets have been depleting stocks of pollock despite efforts by the coastal states to conserve those stocks. In both instances, the conservation efforts of the coastal states have been subverted by the fishery in the enclave, resulting in serious environmental and economic impacts to coastal fishermen. The joint statement described the impacts of these unregulated fisheries as resulting in conservation crises in both areas and called for the use of all necessary measures to resolve these issues.

Mr. Chairman, H.Con.Res. 135 provides a clear description of the problems facing us in trying to resolve the donut hole problem. Last year, Congress passed the Central Bering Sea Fisheries Enforcement Act. This was a good first step, one which we believe influenced the decision to adopt the two-year moratorium on fishing.

The time is now drawing close when further action is necessary. It is a matter of serious concern to us that an acceptable long-term conservation and management agreement be in place prior to the expiration of the moratorium. The next opportunity is coming in early October, when the eighth round of talks is scheduled to take place in Seoul, Korea.

Like the joint U.S./Russian statement at the United Nations, H.Con.Res. 135 calls for the use, in accordance with international law, of all available measures to resolve this issue and secure an acceptable long-term management regime for the Central Bering Sea. We fully concur with that statement and would suggest that Congress consider the following options if meaningful progress is not made in the near future to develop the necessary management agreement.

I am submitting this for the record recognizing that in some cases they are beyond the purview of this particular committee. But we would like to emphasize the position of the state.

One, strengthen the Central Bering Sea Fisheries Enforcement Act to include economic sanctions against nations violating the provisions of the act;

Two, deny direct foreign aid assistance, including placing restrictions on funds provided by the United States to international institutions, such that nations in violation of the Central Bering Sea Fisheries Enforcement Act may not receive such aid;

Three, deny Most Favored Nation trading status to any nation fishing in the Central Bering Sea in violation of the Central Bering Sea Fisheries Enforcement Act; and

Four, require the Secretary of Commerce, through the Secretary of State, to initiate bilateral negotiations with the Russian Federation to develop a joint management regime for fisheries in the Central Bering Sea Donut Hole if multilateral negotiations are unsuccessful in securing an acceptable long-term agreement in time to be implemented prior to the expiration of the present moratorium.

Mr. Chairman, I want to thank you for this opportunity to present the views of the State of Alaska regarding HCR 135. We appreciate and applaud your actions to assist in resolving the important issues surrounding management of the Central Bering Sea.

[The statement of Mr. Somerville can be found at the end of the hearing.]

Mr. MANTON. The Chair recognizes Mr. Robert Morgan with Oceantrawl, Inc.

STATEMENT OF ROBERT MORGAN, OCEANTRAWL, INC.

Good afternoon, Mr. Chairman and Members of the Subcommittee.

For the record, my name is Robert Morgan. I am here today in my capacity as Director of Oceantrawl Inc., Seattle, Washington, one of the largest harvesting, processing and marketing seafood companies in the United States.

In addition, I am presently President of the American Factory Trawlers Association. I also have the pleasure of serving as an advisor to the U.S. Department of State on the North Pacific and Bering Sea Fisheries U.S. Advisory Body.

At the outset, I would like to say that those of us in the Pacific Northwest fisheries industry appreciate the leadership and supporting role both you and Chairman Studds are playing on the critical issue of marine conservation, specifically, the conservation and management of pollock resources in the Central Bering Sea. In this regard, I am quite pleased to be here today to offer my unequivocal support for H. Con. Res. 135, calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the "Donut Hole."

In addition, Mr. Young should be commended for his sponsorship of this important resolution.

As we all know, during the mid-1980's, foreign countries began taking massive amounts of U.S. and Russian fish from the Donut area. This, of course, precipitated major conservation problems in the fishery zones of both the U.S. and Russia. The Donut Hole is one of the most productive regions for commercial fishing in the

world. The stocks straddle both the U.S. and Russian Zones, and, as a result of the Donut Hole's overutilization, the U.S. experienced dramatic declines of its valuable fishery resources in its Exclusive Economic Zone.

I am happy to report to the subcommittee today that as a result of the bilateral actions of both U.S. and Russia since the mid-1980's, significant changes have occurred in the fishing practices of foreign nations in the Donut Hole. Effective conservation and management regimes have been negotiated and implemented with the foreign distant waters fishing nations for the Donut Hole. However, these negotiations have not provided a permanent solution for a controlled fishing regime in the Donut Hole. A permanent enforceable solution is absolutely essential.

Although foreign delegates signed a document in 1992 providing for temporary suspension of all commercial fishing in the Donut Hole for 1993-1994 and subsequently met in 1993 to negotiate a long-term management regime, nothing permanent has been agreed to as of this date. As Ambassador Colson said, we are going to Seoul the first of the month and press further on that.

I would ask the subcommittee to pursue vigorously legislation to ensure permanent conservation and management for these important resources.

And, lastly, Mr. Chairman, I would like to bring to your attention The U.S. "draft" Agreement for the Conservation and Management of Pollock Resources in the Bering Sea as negotiated by the Department of State and the Governments of the Peoples Republic of China, Japan, Republic of Korea, Republic of Poland and the Russian Republic. This agreement has the strength and bite to protect our straddling stocks. I respectfully request that when the agreement is sent to the Congress, please take immediate and positive action.

As an advisor to the Department of State on this agreement, I believe it will go a long way toward a permanent solution in conserving the Central Bering Sea stocks. We are continuing our deliberations in Seoul in early October, and the introduction of this bill will give strong support to this goal.

Thank you, Mr. Chairman, for the opportunity to testify before the Subcommittee today, and I would be happy to respond to any questions you or the other Members may have.

Mr. MANTON. Thank you, Mr. Morgan.

[The statement of Mr. Morgan can be found at the end of the hearing.]

Mr. MANTON. Before we go to the next panelist I would like to announce the presence of our full committee Chairman, Mr. Studds.

Chairman STUDDS. Thank you for your prompt holding of this hearing and what I am certain will be fairly prompt consideration of the legislation.

I just wanted to indicate, in this 12-ring circus in which we all try to survive these days, that—at least momentarily by my presence today—my strong support and concern for the legislation and our respect for the North Atlantic fisheries crews.

I appreciate the support of the administration, and the fact that we cannot all be in 12 places at one time forever does not indicate any diminution of intensity of my feelings.

Thank you. I apologize for the interruption.

Mr. MANTON. Thank you. I would like to recognize the Ranking Member of the subcommittee, Mr. Young of Alaska.

STATEMENT OF HON. DON YOUNG, A U.S. REPRESENTATIVE FROM ALASKA

Mr. YOUNG. This is an issue I think is crucial. The Donut Hole has been a sorry sight for many, many years. It has hurt our fisheries, hurt the marine life.

I believe we can improve upon the agreement already reached, and we encourage the State Department to do so. I thank you for having this hearing today.

As the Chairman has mentioned, unfortunately, we cannot be 12 places at one time, and I am late for my own bill. Thank you for holding this hearing.

STATEMENT OF HON. DON YOUNG, A U.S. REPRESENTATIVE FROM ALASKA

Mr. Chairman, I am pleased that we are considering these issues regarding straddling stocks. This topic, in particular, is important to the State of Alaska.

International management of straddling stocks will be the only means to conserve them. Although multilateral agreements may impose short-term restrictions on our fishermen, their long-term benefits are certain. Without effective management practices, we may be witnessing the commercial extinction of extremely valuable fisheries like the Aleutian Basin pollock stock.

While the United States may manage fisheries within its own Exclusive Economic Zone, it has no power to enforce its laws in high sea areas without some type of international agreement. Absence of an agreement has serious consequences.

Let me describe the situation. The United States once had a very valuable Aleutian Basin pollock fishery close to Alaska. Other fishermen, who could no longer fish in U.S. waters after the passage of the Magnuson Act, took their boats outside the U.S. boundary and took almost all the fish that crossed that line into international waters. Any conservation effort provided by the United States had no beneficial result when the fish on the other side could be taken in a giant free-for-all by foreign fishermen who have thought of these stocks as a blue-light special. These fishermen have taken so much that a once million-ton fishery provided less than 10,000 tons last year. The overharvesting has meant not only fewer fish for foreign fishermen, but has resulted in fewer fish for American fishermen who have conserved the resource in U.S. waters.

The absence of a long-term solution for the Aleutian Basin pollock imposes a death sentence on the fishery. Foreign nations will continue their overharvesting until they pull out the last commercially viable fish. At that point, they may move on to another source of readily available protein.

The greatest tragedy of this situation is that it could be avoided. Establishing long-term, international agreements may save the Aleutian Basin pollock from this picture of possible doom.

H.Con.Res. 135 expresses Congressional intent to take further steps to establish multilateral agreements for the living marine resources in the Donut Hole. It may be one of the least controversial and most important resolutions of the Subcommittee this session. Its passage will assist our U.S. negotiators in their efforts to provide for conservation measures for the Aleutian Basin pollock stock. I applaud their hard work, and I urge your support for this resolution.

Mr. MANTON. The Chair recognizes our last panelist, Mr. Matt Gianni, International Campaign, Greenpeace, USA.

STATEMENT OF MATT GIANNI, INTERNATIONAL CAMPAIGN,
GREENPEACE, USA

Mr. GIANNI. Thank you, Mr. Chairman and Members.

I am Matthew Gianni, High Seas Fisheries Campaign Coordinator for Greenpeace International.

Before joining Greenpeace I worked for 10 years as a commercial fisherman on both the east and west coasts of the United States.

I coordinate Greenpeace's urgent concern on the impact and management of fishing in all areas of the world's oceans including, but not limited to, the high seas.

The United Nations' Food and Agriculture Organization reports that most commercially important stocks of fish are either fully exploited, overexploited or depleted.

As with fisheries generally, there has been rapid expansion of efforts on straddling highly migratory stocks. FAO estimates that in 1989 high seas catches ranked between seven and 12 million metric tons. Most are fully overexploited, and some, such as the Aleutian Basin stock of pollock and the cod stocks off Canada, have collapsed.

It is worth noting that the consequences of overfishing can be severe. The Canadian government estimates that with the closure of the northern cod fishery, which is the primary straddling stock of concern to the NAFO region, the Canadian government estimates 20,000 to 40,000 fish workers are out of work, 400 communities in Newfoundland are in peril, and the cost to the Canadian government will be \$1 billion in compensation.

The United Nations Convention on Law of the Sea (UNCLOS) provides a global framework for the international management of fisheries. However, the provisions of the Law of the Sea pertaining to the relative rights and obligations of States with respect to straddling and highly migratory fish stocks and fishing on the high seas are subject to differing interpretations.

It is obvious that if long-term solutions are to be achieved for the conservation and management of transboundary fish stocks in the Bering Sea and in the Northwest Atlantic among other places, that international rules and obligations must be made clear and adhered to.

In July of this year, the United Nations hosted the first substantive session of the Conference on Straddling and Highly Migratory Fish Stocks. Greenpeace played an active role in the conference in working with other non-governmental organizations from around the world in generating public interest and in pressuring governments on the need for fundamental fisheries reform.

Among the reforms that we view as necessary is to, first and foremost, reassert the obligation to insure fisheries conservation. Fundamental to the review of the fisheries conservation and the exploitation of living marine resources is the adoption of an approach to fisheries management.

The obligation to conserve must also include the elaboration of standards for minimizing waste, bycatch and discards, the promotion of fishing gear selectivity, the protection and restoration of endangered species and populations and the preservation of fisheries habitat.

These objectives have all been agreed to by governments at the United Nations Conference on Environment and Development, and the negotiation of conservation and management measures for fisheries at both regional and global levels must both reaffirm and strengthen intergovernmental commitment toward these ends.

Effective fisheries conservation and management measures must be established to assure that the decisions regarding fisheries and their impacts on the marine environment are equitable and accountable to all interested parties.

Practical mechanisms for monitoring, control and surveillance must be developed or strengthened for the implementation of the fisheries provisions of the Law of the Sea and the conservation and management of fisheries on both a regional and global basis, with particular emphasis on the high seas.

Greenpeace's basic concerns and views regarding reforms that are needed with respect to the international conservation and management of fisheries are addressed in an "NGO Statement: A Call for Global Fisheries Reform." That statement was presented at the opening session of the July, 1993, U.N. Fisheries Conference. Greenpeace and other NGOs from around the world have endorsed the NGO statement.

Practical mechanisms must be developed or strengthened for the implementation of the fisheries provisions of UNCLOS and the conservation and management of fisheries on both a regional and global basis, with particular emphasis on the high seas.

Along with a variety of mechanisms, a global fund for fisheries conservation should be established on the basis of fees for fishing in international waters.

Greenpeace takes the position that for straddling and highly migratory fish stocks a consistent conservation and management regime is needed throughout the ranges of the stocks as a safeguard against overexploitation and other adverse environmental effects.

For purposes of the U.N. conference as well as in establishing a conservation and management regime on a regional basis, any elaboration of coastal state and distant water states rights regarding fishing on straddling and highly migratory fish stocks and fishing on the high seas must, more importantly than dealing with "rights", enhance those same states' responsibility for the conservation of the stocks, including an explicit obligation for the protection of fisheries habitat both on the high seas and within the EEZ.

In conclusion, Greenpeace International urges your subcommittee to consider the above positions and recommendations in the current and future recommendations on the subject of international fisheries management in the north Pacific and west Atlantic and other areas.

We strongly support the package of implementing legislation to allow the United States become a full participant in the Northwest Atlantic Fisheries Organization, the NAFO. U.S. vessels have fished in the international waters of the NAFO convention area in the past, including as recently as August, 1993, for species regulated by that body.

The participation of any state whose vessels fish in a region covered by international agreement can only be construed as being a fundamental obligation of international law.

Stocks of fish of interest to U.S. vessels, such as flounder and place on the "tail" of the Grand Banks, have been severely depleted in recent years. If the United States is expecting any future benefit from fishing in this region then it is imperative that the United States participate in regional efforts to properly conserve and manage NAFO fisheries in the northern area.

Furthermore, U.S. membership in NAFO is critical if the U.S. is to maintain credibility in international fisheries negotiations. The position of the United States in the negotiations concerning the Bering Sea at ICCAT, IATTC and other regional fora and most importantly at the United Nations Conference on Straddling and Highly Migratory Fish Stocks is seriously undermined by the U.S. failure to be a full participant at NAFO.

The same applies to U.S. efforts to pursue the adoption of an international convention for the flagging of vessels to fish on the high seas, the so-called "flagging convention" referred to by Secretary Colson earlier.

For these and other reasons, the United States' participation in NAFO, we feel as a formal treaty member, is long overdue.

We would also like to express our support for the resolution H.Con.Res. 135 introduced by Congressman Young. Effective conservation and management of Bering Sea fisheries requires a serious commitment to multilateral negotiations, and we are encouraged to see this reflected in the wording of the resolution.

We would also encourage the subcommittee to closely monitor the negotiations at the United Nations Conference on Straddling and Highly Migratory Fish Stocks. The conference is currently scheduled to reconvene March 14 to 31 of 1994, with a final session scheduled for August of 1994.

We would like to recommend that your subcommittee or the full Committee on Merchant Marine and Fisheries, possibly in conjunction with the House Committee on Foreign Affairs, consider holding a hearing on the U.N. conference early next year.

Again, thank you for the opportunity to participate in today's hearings. I would be happy to answer any questions that you or other Members of the committee may have.

Mr. MANTON. Thank You.

[The statement of Mr. Gianni can be found at the end of the hearing.]

Mr. MANTON. That concludes the testimony of our panelists. We will now go to a few questions.

Ambassador Colson, a few years ago customary international law was revised to change fishing rights from 3 to 200 miles, so, obviously, the boundaries of territorial waters are not sacred. What would you think of an agreement between U.S. and Russia that bars fishing activity in the Donut Hole waters?

Mr. COLSON. Mr. Chairman, I think the executive branch would have a great deal of difficulty with that sort of approach to this problem.

It is true that, over time, the rules of the Law of the Sea have been somewhat fluid. But in 1982 the international community

came together on a set of rules that were laid out in the 1982 Convention on the Law of the Sea that previous administrations have indicated our support for all the provisions except the deep seabed mining conditions of that convention.

That convention has served the international community well on a full range of issues. It doesn't answer every question. In situations like this, it causes us to get out and negotiate hard to resolve the problems. But it has resolved some fundamental issues and debates around the world, and we have a real interest in holding on to the consensus that has developed since the 1982 convention.

It is a priority of the Clinton administration to work very hard with the Secretary-General's initiative in the United Nations to try to see if there is a way to make modifications in the deep seabed mining parts of that convention so the United States could actually sign up and join the treaty as a whole.

Mr. MANTON. Mr. Somerville, has Alaska done any studies to determine the impact of the temporary moratorium on the pollock fisheries? Are the stocks rebuilding?

Mr. SOMERVILLE. I believe the National Marine Fisheries Service could give a better answer relative to the rebuilding because they do the bulk of the stock assessment work. Our indications are that there is improvement.

Mr. MANTON. Mr. Matlock?

Mr. MATLOCK. The information that the National Marine Fisheries Service has indicates a similar situation. There may be some improvement, but it is not possible to document any rebuilding of the stock as a result of the cessation of fishing based on our survey work or that of other countries. We see no sign of increase in our estimates of biomass. There is certainly room for improvement with additional protection of the fish in the Donut Hole.

Mr. MANTON. Mr. Morgan, Mr. Somerville testified that the closure of the pollock fishery had a great impact on the United States fishing industry. Can you say what your thoughts are on the closing of that fishery?

Mr. MORGAN. We are strongly in favor of closing that fishery in the Donut Hole primarily because that fish is either of U.S. origin or Russian origin.

In answer to your first question, I would have a different answer than Ambassador Colson.

Mr. MANTON. I would suspect so.

Mr. MORGAN. Those fish are of U.S. origin. They straddle the international zone where they are caught by other nations. The ideal situation would be to mechanize that. That is a U.S. resource, and it should be managed by the United States Government.

Mr. MANTON. Mr. Gianni, do you have any comments on any of the questions?

Mr. GIANNI. A very brief comment, Mr. Chairman, on the question of Ambassador Colson, the whole issue of extending out the jurisdiction beyond the 200-mile limit. It is certainly of concern to Greenpeace. A number of countries have indicated that if the results of the U.N. Conference on Straddling and Migratory Fish Stocks are not satisfactory they may extend out in some fashion.

A number of countries, including Chile, have established a presence over the oceans beyond the 200-mile limit. We feel it would be

a tragedy if, through failure to cooperate, governments continue to divide up the oceans among themselves.

Mr. MANTON. Thank you.

Mr. Young.

Mr. YOUNG. When do you expect to conclude the international negotiations, Mr. Colson?

Mr. COLSON. Well, I have set as a personal target to have something before this Congress in 1994 that you can act upon so that we will have a deal struck and agreed to before the voluntary suspension ends, and it will govern us in the post-1994 period. We will meet in Korea in two weeks for another round.

I would like to indicate—I would not want to hold out a great deal of hope that we are going to get much in Seoul. This has been a long, tedious process. I think there will be some more head knocking. It might take two or three more rounds to get to the end of the road. I certainly hope by the spring of next year it will be done.

Mr. YOUNG. Would the passage of H.Con.Res. 135 assist you in the negotiation process?

Mr. COLSON. Definitely, sir. Before you came in I mentioned that I am hopeful that your initiative and the initiatives that some others have taken, the statement we have from the Vancouver Summit by Presidents Clinton and Yeltsin, all make it clear that this issue is important to these countries. It is very critical to getting this job done.

Mr. YOUNG. I am encouraged by those words. I want to believe very strongly that the Donut Hole should be totally closed as an area which can keep the fisheries healthy in that area and all the outlying areas. I know some people may disagree with me about that.

This is an opportunity, I think, that goes far beyond what is even proposed in this resolution. So I am very encouraged.

Matt, it was awful hard for you to say what you did, but it is hard for me to hear it. I say that in good humor. I watched Robert roll his eyes there. I hope he was born over.

I want to thank the panel. Most all of you support this legislation. I hope this comes to pass. This is very important to the State of Alaska and the State of Washington, and all the species of marine mammals that are directly affected.

Thank you, Mr. Chairman.

Mr. MANTON. The Chair recognizes the gentlelady from Washington.

Mrs. UNSOELD. Thank you, Mr. Chairman. I am pleased with the spirit of "let's do it" that exists here today.

First, let me ask Mr. Morgan, was there a response you wanted to make a couple of seconds ago? Let me give you that opportunity before I jump into my issue.

Mr. MORGAN. Thank you very much. I just wanted to make it clear to Representative Young that I totally support his position, and I totally agree that the international zone and the Donut Hole should be closed forever.

Mr. YOUNG. Thank you, Bob. You are all right.

Mrs. UNSOELD. Mr. Matlock, you said in your written statement that the United States is advancing the general argument that

fishing countries have a responsibility to join and participate in regional fishery conservation management organizations to manage fisheries in which the country participates or to cooperate in processes such as the one the U.S. is leading regarding the Donut Hole fisheries where regional organization does not exist. Do you want international agreements?

Mr. GIANNI. The short answer is, yes, madam.

Mrs. UNSOELD. Do not those agreements have to include enforcement to be effective?

Mr. MATLOCK. I would say so. Yes, madam.

The Ambassador may want to add something.

Mrs. UNSOELD. I am going to ask him a question.

I would like to ask the Secretary a question to which I will give you permission to plead the fifth amendment. Can we have effective international agreements or U.S. law governing or attempting to manage international fisheries issues such as this or involving international waters under—or are we given any means to be able to implement those and enforce them—under any of our current or proposed trade laws? Is there any other vehicle to use other than our trade agreements in which to try to enforce international agreements of this type?

You see why I gave you an out before?

Mr. COLSON. I spent the morning on some interagency debate on those kinds of questions. I shudder.

Certainly the only thing I think that fits the bill of what you are speaking of is the Pelly Amendment, and we have other laws that address specific issues like tuna/dolphin or driftnets, but we don't have anything directly to deal with this.

Mrs. UNSOELD. We all know in the tuna and dolphin they were found in violation of GATT, for example.

Mr. COLSON. Yes.

Mrs. UNSOELD. Something is missing.

Mr. COLSON. There is a lot of disconnect between the laws of the United States and the trade policies we espouse.

Mrs. UNSOELD. On the international agreements such as the ban on the use of driftnets, didn't it at least cross the minds of those in the State Department that were hesitant about approving the sanctions in U.S. law because that might be found in violation of GATT?

Mr. COLSON. I am certain that any time the word "trade sanction" is used, in any agency of this government there is somebody arguing that this will be in violation of GATT.

Mrs. UNSOELD. I don't know where the handle is, but I believe that you experts in fisheries have to be at the table when people are discussing these trade agreements and entering into negotiations.

It is time that we placed, as part of our international trade agreements of any type, the question of sustainable management of natural resources, in this case fisheries.

Mr. COLSON. Well, I think that I can give you some assurance that there is a fairly strenuous discussion going on within the administration, which includes both resource agencies and the State Department and the economic agencies, about how to come to some reconciliation of the inconsistencies that we are confronted with.

Those are tough questions, but we are all making some progress. The White House is taking a leadership position on this issue to try to bring the agencies together on it.

Mrs. UNSOELD. I appreciate those comments and that attitude that is apparently beginning to take place.

In any of our proposed trade negotiations you are not aware of any enforcement capability of managing a resource such as the pollock in the Donut Hole that could be enforced.

Mr. COLSON. That is correct.

Mrs. UNSOELD. Thank you. I do appreciate your opening statement.

Mr. MANTON. The Chairman of the full committee, Mr. Studds, who had to leave, asked me to ask a question on his behalf. The opening part of the question was sort of rhetorical.

Unfortunately, we have no one here today to represent the opposition view on NAFO as many of them are at a New England Council meeting where they will, hopefully, be discussing this very issue.

If they were here, however, I expect they would voice their opposition based on the idea that accession to NAFO will mean U.S. boats seeking to fish in the NAFO regulatory would be subject to NAFO guidelines and quotas and that U.S. fishermen might not receive a quota at all, even if we do join NAFO.

The question for Mr. Colson is: How do you respond to those people, particularly from New England, who are facing difficult times ahead in the groundfish fishery, who are looking for alternative sources of income and are opposed to joining NAFO for some of the reasons I mentioned and who care very little about whether we have credibility in pollock negotiations in the North Pacific? Are their concerns good enough reasons to stay out of NAFO?

Furthermore, based on historical landings, aren't U.S. fishermen entitled to a quota in the regulatory area? Are you confident that if we join NAFO that we will be able to get such a quota?

Mr. COLSON. Mr. Chairman, I have gone to New England. I met with a few New England fishermen in Maine. It was not a happy meeting because that is indeed the attitude that many of them have about this.

I think that you can make a strong case on the merits of New England fishing interests here.

As H.R. 3058 notes, there is a strong interest and call for negotiations in transboundary resources—those would be the resources basically on Georges Bank—negotiations with Canada to resolve a lot of the management and conservation problems that our own industry is suffering in our own zone.

Certainly, if we want to cooperate and bring the Canadians along toward working together to rebuild groundfish stocks on Georges Bank, which would be of benefit to both U.S. and Canadian fishermen, we will need to have that generally cooperative situation with Canada. We cannot expect Canada to come along and work with us on fishing issues on Georges Bank while we stay out of the NAFO picture.

Another point you can make to East Coast fishermen is that it is essential that we maintain a consistent position. They have a large interest in ICCAT. We get letters all the time sometimes from

Members of Congress but other times constituent groups—trying to encourage us to go out and get this or that or the other country to join ICCAT. It is incumbent upon us to have some consistency there. Chairman Studds wrote us to put pressure on the Mexicans to join ICCAT. I am very hopeful we will see Mexicans taking initiatives in that area very soon.

Finally, I think we have to answer those voices that if we really do have a commitment to sustainable use of fishery resources, if that has any meaning at all, we have to be prepared to bring ourselves within a regulatory framework.

Certainly, I agree that our traditional fisheries in NAFO deserve recognition, and I would work as hard as I can to try to ensure that we are able to get a respectable quota that represented the rather small resource interests that our fishermen have had in the NAFO regulatory areas over the years.

Mr. MANTON. Thank you, Ambassador.

That concludes our hearing for today. I want to thank the panelists.

This meeting is adjourned.

[Whereupon, at 2:40 p.m., the subcommittee was adjourned, and the following was submitted for the record:]

TESTIMONY OF

AMBASSADOR DAVID A. COLSON
DEPUTY ASSISTANT SECRETARY
OCEANS AFFAIRS
DEPARTMENT OF STATE

BEFORE THE

SUBCOMMITTEE ON FISHERIES MANAGEMENT
COMMITTEE ON MERCHANT MARINE AND FISHERIES
HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1993

Mr. Chairman and members of the Committee, I am pleased to be here today to discuss issues related to straddling fish stocks, particularly those in the central Bering Sea and in the northwest Atlantic Ocean. In this regard, I wish to describe the U.S. position in the ongoing United Nations discussions on straddling fish stocks, review the status of U.S. efforts to secure a long-term conservation and management agreement for the pollock resource in the central Bering Sea, and discuss the issue of fishing for straddling stocks in the regulatory area of the Northwest Atlantic Fisheries Organization (NAFO).

Mr. Chairman, as you are aware, under the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the concept of coastal State jurisdiction outward to 200 nautical miles, through the establishment of exclusive economic zones (EEZs), was codified. The United States has not yet become a party to UNCLOS, but 57 nations have done so, and the living marine resource provisions of the Convention are acknowledged as customary international law. Many countries, including the United States, have enjoyed the benefits of exclusive jurisdiction over the living marine resources in their respective 200 mile zones. UNCLOS also provides the legal framework within which all States have the freedom to fish in areas beyond coastal State jurisdiction, that is, on the high seas. UNCLOS conditions this freedom to require conservation and management of the living marine resources of the high seas and cooperation with coastal states.

These provisions of UNCLOS have served the international community well. However, as world fishery conditions have changed, today, more than ever, there is a need to reconcile the rights of States to fish on the high seas with the rights of coastal States to manage fishery resources within their EEZs. The main problem that has arisen relates to straddling fish stocks, or stocks of fish found both within the EEZ of one or more coastal States and in high seas areas adjacent to the EEZ. In addition to other factors, fishing vessels recently excluded from the EEZs of coastal States have transferred their effort to the high seas, fishing on the same stocks previously fished in the EEZ. For coastal States, unrestricted fishing on the high seas portion of a straddling stock can have a negative impact on conservation and management measures taken within the EEZ for the same stock, and derogate from that State's rights to utilize fully that stock within its zone. On the other hand, distant water fishing States view attempts by coastal States to exert management, either directly or indirectly, on straddling stocks outside their EEZs as an extension of jurisdiction inconsistent with UNCLOS.

Examples of straddling fish stocks (and resulting international controversy) include cod in the northwest Atlantic, jack mackerel in the southeast Pacific off the coasts of Chile and Peru, squid in the south Atlantic off Argentina, orange roughy off New Zealand, and pollock in the Sea of Okhotsk. As a coastal State, the primary stock of concern to the United States is Alaskan pollock - the Aleutian Basin pollock stock, in particular - in the central Bering Sea. We also have had a long historical fishery for what are now straddling stocks in the northwest Atlantic off the coast of Canada on the Grand Banks. In this latter regard, we understand and share the interests of distant water fishing nations.

Ultimately, resolution of straddling stock problems requires reconciliation of the right to fish on the high seas with the rights, duties, and interests of coastal States.

Earlier this year the United Nations convened an intergovernmental conference on straddling fish stocks and highly migratory fish stocks, as agreed at UNCED last year in Rio de Janeiro. It is important that our fishery interests in the Bering Sea and northwest Atlantic Ocean be put in perspective with the United Nations Conference process.

At the first substantive session of the UN Conference held in New York in July, with the support of many other countries, we advocated several important points, including that the work and results of the Conference must be fully consistent with UNCLOS, and that a set of general principles or guidelines should be agreed upon which could then be adopted by States, entities and organizations on a regional basis. We emphasized the importance of regional approaches and regional fishery management organizations, and we particularly stressed that States with vessels fishing in a region must participate in regional conservation and management organizations. We recognized that to be effective consistent management measures should be applied throughout the entire range of the stock. We emphasized that regional organizations must do a better job in managing such stocks, and that the conservation of marine resources comes before short-term economic interests.

What we support in the UN process, and in the north Pacific and the northwest Atlantic, is the development and implementation of strong regional conservation and management regimes which include all the relevant countries and which are effective in responding to specific regional needs of the resources and the people dependent on them.

Mr. Chairman, as you are aware, the Aleutian Basin pollock stock is a very valuable resource. In 1991, the Aleutian Basin pollock roe fishery in the U.S. zone alone was valued at \$145 million (first wholesale price). Unregulated fishing on that part of the stock which "straddles" the U.S. and Russian zones, and the high seas area of the central Bering Sea known as the "Donut Hole", is of great concern.

During the past two and one-half years, the Department, assisted by the Department of Commerce, the U.S. Coast Guard, the North Pacific Fishery Management Council, the States of Alaska and Washington, advisors and Congressional representatives, have engaged in negotiations to conserve, rationally manage, and sustainably utilize this tremendous resource. While a belated voluntary suspension of fishing on this stock was achieved for 1993 and 1994, it is a matter of serious concern and consequence, environmentally, economically, and commercially, that a long-term conservation and management agreement is not yet in place. One must be so if the fishery is to resume after 1994.

A history of this negotiation follows. In June of 1990, during the U.S.-USSR Summit, Presidents Bush and Gorbachev issued a joint statement agreeing that urgent conservation measures should be taken with regard to the unregulated multinational pollock fishery in the central Bering Sea. The Presidents noted that, in accordance with international law, all concerned States, including the United States and the Soviet Union, as the coastal States of the central Bering Sea, and distant water States fishing in the central Bering Sea, should cooperate to ensure the conservation of the living marine resources of this area. The U.S. and the USSR noted their desire to develop cooperatively an international conservation and management regime for the central Bering Sea.

In December 1990, the U.S., in coordination with the USSR, invited the Governments of the People's Republic of China, Japan, the Republic of Korea, and the Republic of Poland to a conference to consider arrangements for the conservation of the living marine resources of the central Bering Sea. At that time, the U.S. and the USSR suggested, pending adoption of internationally agreed measures, that all States limit their fisheries in the central Bering Sea on a voluntary basis to pollock catches achieved during the 1985 fishing season, which totaled approximately 364,000 metric tons, in order to conserve the pollock resource. We also solicited suggestions on measures States would take in the interim to monitor and enforce such levels of fishing.

Each of the States fishing in the area accepted our invitation, and in February 1991 the First Conference on the Conservation and Management of the Living Marine Resources of the Central Bering Sea was held in Washington. The Conference delegates agreed on interim measures to freeze fishing efforts in the area, discourage other countries from seeking to fish there and discourage reflagging of vessels already operating in the area. They also agreed to accelerate scientific research, standardize catch reporting, and not retain anadromous species or herring taken as bycatch. With regard to the U.S. and Soviet proposal that the take of pollock from the Donut Hole be limited to 1985 levels, the distant-water fishing countries refused, responding, in effect, that such a proposal was unrealistic from an economic standpoint. The countries agreed to meet in July 1991 to continue discussions.

The Second Conference, held July 31 through August 2, 1991, in Tokyo, received scientific data which indicated that the pollock resource in the central Bering Sea had declined to such a point that it could not support catch at even the 1985 level. The U.S. and the USSR proposed that all countries agree to a moratorium on fishing in the area during 1992. The United States noted that the U.S. pollock fishery off Bogoslof Island in the Aleutian Chain, which had been under careful conservation and management controls, would likely have to be curtailed or even closed. Despite the scientific data presented at the second Conference, the distant-water fishing States opposed the moratorium and asserted instead that other regulatory measures should be sought. However, no further agreement was achieved on either interim or long-term conservation measures, nor in regard to the use of scientific observers, inspectors, and real-time satellite transmitter tracking devices. The U.S. tabled a proposal to establish an international convention for the area which would address the conservation and management needs of the fishery resources on a long-term basis. The proposal, in our view, fairly represented the interests of both the coastal States and the fishing States, but was attacked by the fishing countries as being one-sided. The delegates agreed to meet again in November 1991 to continue discussions on both long-term conservation and management measures as well as urgent interim measures in the area to begin January 1, 1992.

The United States hosted the Third Conference in Washington, November 18-20, 1991. The delegates noted substantial catch declines from a peak of 1.4 million metric tons in 1989 to approximately 260,000 metric tons at the end of the third quarter of 1991. However, despite this and additional evidence that a collapse of the Aleutian Basin pollock stock was imminent, the fishing countries continued to oppose the proposal for a moratorium on fishing in the area in 1992. All parties did agree that catch levels and fishing effort should be reduced substantially in 1992. The distant water fishing nations also agreed to some interim measures, including the deployment and exchange of scientific observers and the use of automatic satellite location transmitters on fishing vessels. However, we expressed our grave disappointment at the slow rate of progress on the issue and criticized the fact that socio-economic considerations of some participants were continuing to be put before those of conservation of the resource. We also noted that the U.S. would be prohibiting any fishery on the Aleutian Basin pollock stock in the Bogoslof Island area within its 200 mile zone, and, in light of this action, would expect all other countries fishing in the central Bering Sea to take commensurate conservation measures. The Soviet delegation noted that the USSR was substantially reducing its fishing effort in its zone for the purpose of conserving the pollock stock. With regard to the U.S. proposal to establish an international convention for the area which would address the conservation and management needs of the fishery resources on a long-term basis, the delegates considered additional proposals presented by Poland and Japan, and agreed to participate in a drafting group to develop a composite negotiating text for future consideration. The U.S. offered to host the drafting group, and the delegations agreed to meet again at a Fourth Conference in the United States in 1992.

The Fourth Conference met in Washington April 13-15, 1992. By this time all countries had become convinced that there was a real conservation problem. The delegations expressed concern about the continued decline of the pollock resource in the area and noted substantial catch declines to a total catch of 293,000 metric tons in 1991. They confirmed the earlier understanding that catch levels and fishing effort should be substantially reduced in 1992, but nothing further was agreed. The U.S. described the drastic conservation measures which had been taken in the U.S. zone because of the depressed status of the pollock stock, including a prohibition on directed fishing for this stock in the Bogoslof Island area in the U.S. EEZ and steps aimed at prohibiting U.S. fishing vessels from operating in the central Bering Sea. The U.S. stated that it expected the directed fishery on Aleutian Basin pollock in the U.S. zone would remain closed in 1993. Russia noted that it had substantially reduced fishing effort in its zone and would consider taking conservation actions, similar to those taken by the United States, both within and beyond its zone, provided that other countries ceased fishing in the Donut Hole area. Japan noted that it would closely monitor its fishery through daily vessel reports, and would consider further conservation measures, including additional reductions in its catch and effort level in the area in 1993. China, Japan, Korea, and Poland expressed continued opposition to any proposed moratorium or suspension of fishing.

Japan noted that it was taking voluntary action to decrease its fleet size by nearly 50 percent during 1992, and stated that the overall catch quota for Japanese vessels would not exceed 120,000 metric tons in 1992. Korea stated that it would decrease its fleet from 41 to 31 vessels in 1992, and indicated that it was considering the establishment of a catch limit for pollock in 1992 that would not exceed the 1991 catch level. China and Poland stated that they would further voluntarily reduce their number of fishing days by 20 percent

compared to 1991 and would be prepared for further reductions. China noted that its reduction in catch should correspond to its reduction in fishing effort. Poland noted only that the 1992 pollock catch by Polish vessels would not exceed the 1991 level.

The U.S. and Russia expressed dismay at the incremental steps taken by the distant water fishing countries and that the proposed fishing effort reduction of 20 percent was not substantial. The U.S. and Russia reiterated their call for a fishing moratorium in the central Bering Sea due to the extremely depressed condition of the pollock resource; however, the fishing countries continued to resist this proposal. The U.S. announced its intention not to issue permits to any country seeking to use U.S. waters in support of their pollock fishing activities in the central Bering Sea.

The delegations reviewed a composite negotiating text outlining a long-term conservation regime for the area and established a working group to continue efforts to produce a final negotiating text. It was recognized that further efforts in this regard would be required. The delegations agreed to meet again at a Fifth Conference to be hosted by Russia in August 1992.

On June 17, 1992, at the U.S.-Russia Summit in Washington, Presidents Bush and Yeltsin issued a joint statement noting with concern that, in spite of the international conferences held to date to develop an international regime for the conservation and management of the living marine resources of the central Bering Sea, the pollock resource in that region had suffered a precipitous decline, which could upset the balance of the Bering Sea ecosystem as a whole. They called for strong and urgent conservation measures, including a voluntary suspension on fishing in the central Bering Sea by all States, consistent with steps already taken by the United States and Russia to conserve the resource.

The Fifth Conference was held in Moscow, August 12-14, 1992. A major breakthrough was realized when all sides agreed to a voluntary suspension of fishing in the area during 1993 and 1994 in light of the drastic decline of the pollock resource in the Donut Hole. The reported total catch of pollock in the area during the first six months of 1992 was less than 11,000 metric tons. It was noted that fishing efforts in the area had been significantly reduced. The U.S. and Russia agreed to take the same measures for the stock of pollock in their respective zones as were being taken in the Donut Hole. A resource monitoring program was also agreed upon to include scientific surveys by research vessels, trial fishing by a limited number of fishing vessels, and other scientific activities. The Parties agreed to continue working on a long-term conservation regime for the area, and to meet again at a Sixth Conference to be hosted by the United States in early 1993.

The Sixth Conference was held January 13-15, 1993, in Washington. A framework for the decision-making provisions of the draft Agreement represented a significant step toward concluding a long-term conservation and management agreement for the area. The decision-making procedures acknowledged the precedence of the management action employed by the United States and Russia as the coastal States of the central Bering Sea in their own zones for the Aleutian Basin pollock stock.

No significant new information on the status of the pollock resource in the central Bering Sea was presented. The Parties reviewed steps taken to implement the temporary suspension of fishing for pollock in the central Bering Sea on a voluntary basis during 1993 and 1994, as well as the same measures in the U.S. and Russian zones. All Parties confirmed

having taken domestic steps to implement the suspension on a voluntary basis. The Parties also convened a working group to elaborate on procedures for implementing the resource monitoring program agreed to at the Fifth Conference. In light of the importance of the issue, the Parties agreed to meet again at a Seventh Conference to be hosted by Japan in June 1993.

On April 4, 1993, Presidents Clinton and Yeltsin, in the Joint Statement issued at the Vancouver Summit, announced their intention to expand and improve their joint work in the area of environmental protection. They agreed that the United States and Russia would further develop bilateral cooperation in fisheries in the Bering Sea, the North Pacific, and the Sea of Okhotsk, including for the purpose of preservation and reproduction of living marine resources and of monitoring the ecosystem in the north Pacific.

The Seventh Conference on the Conservation and Management of the Living Marine Resources of the Central Bering Sea was held June 28 through July 1, 1993, in Tokyo. The conference made minimal progress toward concluding the draft agreement for the conservation and management of the pollock resource in the central Bering Sea. Discussion continued among the Parties on the decision-making aspects of the agreement, particularly those relating to the determination of the allowable harvest level of pollock in the central Bering Sea. It was decided that, for purposes of the agreement, the pollock biomass of fishery management area 518 in the United States shall represent 60 percent of the Aleutian Basin pollock biomass. Additionally, there was agreement that the threshold level of Aleutian Basin pollock biomass shall be 1.67 million metric tons; there shall be no fishing on the stock if the biomass is below this amount. Furthermore, the Parties agreed that when the percentage of pollock biomass in Area 518 as a percentage of the Aleutian Basin pollock biomass changes, the threshold level shall be amended accordingly. No progress was achieved on other decision-making aspects of the draft agreement. The Parties reviewed steps taken to implement the interim measures for the conservation and management of the living marine resources of the central Bering Sea, including the temporary suspension of fishing for Aleutian Basin pollock on a voluntary basis in the Bering Sea during 1993 and 1994. The Parties exchanged preliminary information obtained through a research and monitoring program being conducted during the period of the fishing suspension.

Results of research cruises conducted up to the date of the conference indicated that the status of the pollock resource in the Aleutian Basin still did not provide grounds for optimism. Available information from the research cruises and from trial fishing operations indicated no significant change in the status of the Aleutian Basin pollock stock and that it continued at a low level of abundance. The Parties intended to continue cooperative scientific research.

The U.S. expressed disappointment that greater progress was not made on the draft agreement. We noted that fundamental work is required in a number of areas; that measuring anything against the overfishing situation which existed in the late 1980's, as some countries have sought to do, is inappropriate; that the interests of the U.S. and Russia, as the coastal States in whose zones nearly 95 percent of the Bering Sea lies, must be taken into account; and that this agreement should be state-of-the-art and must ensure sustainability of resources over time.

The Parties, having confirmed the necessity of concluding negotiations on a long-term conservation and management agreement, agreed to meet at an Eighth Conference to be hosted

by the Republic of Korea. The Conference is scheduled to be held October 6-8, 1993, in Seoul.

Mr. Chairman, I would like to note that at the United Nations Conference in New York, the U.S. and Russia submitted a statement on the conservation and management of straddling fish stocks in the Bering Sea and the Sea of Okhotsk. In that statement, we noted the short-term progress but continuing elusiveness of concluding a long-term conservation and management agreement for the central Bering Sea "Donut Hole" and the Sea of Okhotsk "Peanut Hole" pollock stocks. We declared our determination, in accordance with international law, to carry out our urgent duty to resolve the conservation crisis of the pollock resources in those respective seas by taking all necessary measures.

Mr. Chairman, House Concurrent Resolution 135, introduced by Mr. Young on August 5 and cosponsored by Messrs. Studds, Manton, Fields (of Texas) and Saxton, is fully supported by the Department. We appreciate the interest of the Congress in calling for the U.S. to take further steps to establish an international fishery agreement for the conservation and management of the living marine resources in the Bering Sea "Donut Hole".

Mr. Chairman, much work remains to be done. Good progress has been made but it is not enough. Fundamental issues remain unresolved. The long-term needs of the resource must be put above short-term profits. The U.S. will continue efforts to secure a long-term conservation and management agreement for the Aleutian Basin pollock resource in the central Bering Sea. The resource is too important and valuable to allow unregulated fishing in the "Donut Hole" to resume.

Finally, in this regard I would like to note that there are occasional rumors that some U.S. vessels wish to enter the Sea of Okhotsk and fish in the Peanut Hole. We have no regulatory authority to control directly such activities. Were U.S. vessels to enter that area at a time where there are serious stock conservation problems, and when we are trying to negotiate a Donut Hole regime, our cooperation with Russia would be jeopardized and our Donut Hole negotiations would be frustrated.

Mr. Chairman, I would also like to discuss briefly the status of U.S. accession to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (the Convention), done at Ottawa, October 24, 1978. The Convention established the Northwest Atlantic Fisheries Organization (NAFO), which regulates fisheries on straddling stocks in that portion of the Atlantic. The Convention provides for international conservation and management of Northwest Atlantic fish stocks that occur outside national zones of fisheries jurisdiction. It also provides a framework for multilateral scientific cooperation with respect to fisheries of the Northwest Atlantic Ocean.

We have not yet acceded to the Convention. The time has come to do so. Our policy -- on a wide range of international conservation issues -- is to participate in regional conservation and management regimes. We make it a cornerstone of our laws and policies to encourage others to do so. Our failure to participate in the NAFO regime for such stocks in the Atlantic, where U.S. fishermen harvest straddling stocks of concern to Canada, and the States fishing there, undermines our credibility, both in terms of our support for regional fishery management agreements and with regard to our statements of concern for the health of the marine environment and the sustainable use of fishery resources. Major fishing nations, such as Japan, Russia, and Poland, whose vessels fish in both the Donut Hole and the NAFO Regulatory Area, note

regularly the inconsistency of our position: on the one hand to establish a regime in our area to conserve and manage straddling fish stocks, while we fail to participate in the regional fishery management organization of the same type for the Northwest Atlantic region.

New England fishermen argue that they have fished without restrictions on what are now straddling stocks off Newfoundland -- those stocks currently of great concern to NAFO -- for generations. They wish to continue this fishery.

Fish stocks in the NAFO Regulatory Area off Newfoundland are at all-time low levels of abundance. Yet some U.S. interests resist accession to NAFO in the hope that they can fish on NAFO stocks without restriction. When the measures contemplated under Amendment 5 to the Northeast Multispecies Plan impose effort limitations on our fishermen in our waters, the international community simply will not accept a move by some U.S. vessels to transfer fishing effort to NAFO waters. The Mid-Atlantic Fishery Management Council has endorsed U.S. accession to NAFO. The New England Fishery Management Council will consider the matter at its meeting today and tomorrow. Accession to NAFO is supported by many, but not all, U.S. fishermen and fishing interests; it is consistent with our global fishery interests; and it is the responsible thing to do in regard to the protection of the marine environment and the promotion of the sustainable use of fishery resources.

Recent reports, however, of U.S. vessels fishing for flatfish in the areas referred to as the "Nose" and "Tail" of the Grand Banks are disturbing. NAFO members have sharply curtailed their own quotas for cod, yellowtail flounder, American plaice, and witch flounder. Yet our government has no means to regulate the activities of these vessels. Other countries grow increasingly impatient when our vessels fish on stocks they are sacrificing to conserve. The bottom line is that if U.S. vessels are to participate in this fishery it is incumbent upon our government to join the relevant international conservation organization. We can not argue for conservation and responsible fishing in one place and deny it in another. Congress can assist by adopting the implementing legislation for NAFO contained in H.R. 3058.

The NAFO Convention Area extends westward from the southern tip of Greenland to the east coasts of Canada and the United States, north of 35 degrees north latitude. The NAFO Regulatory Area consists of that part of the Convention Area that is outside national zones of fisheries jurisdiction.

The Convention applies to all fishery resources of the Convention Area, with the following exceptions: salmon, tunas and marlins, cetacean stocks managed by the International Whaling Commission, and sedentary species of the Continental Shelf.

The NAFO Convention establishes an organization that consists of four components: the General Council, the Scientific Council, the Fisheries Commission, and the Secretariat. The Organization is headquartered in Dartmouth, Nova Scotia.

Negotiations toward adoption of the Convention began in October 1976 and were completed in May 1978. We were an active participant in the negotiations. The Convention was opened for signature at Ottawa from October 24 to December 31, 1978, and we signed it. It entered into force on January 1, 1979, but not for the United States.

On May 3, 1979, the President transmitted the NAFO Convention to the Senate, which gave its advice and consent to ratification on July 27, 1983. The United States has not yet

deposited its instrument of accession because no implementing legislation has been adopted to require U.S. fishermen and vessels to comply with the Convention. Thus we are in the unusual position where the Senate approved a treaty more than 10 years ago but we remain outside of it. It would be too speculative for me to go into the reasons for this situation. It is simply time to rectify it.

With a decline in fish harvests in many areas, both government and industry groups have begun to recognize the need to coordinate and strengthen fishery management actions. While 10 to 15 U.S. vessels fished the NAFO Regulatory Area through 1989, declining catches and rising operating costs reduced that number to one or two vessels in 1990. U.S. fishermen reported no catches in the NAFO Regulatory Area in 1991 or 1992. Maximum reported U.S. harvests during the 1980's never exceeded 4,000 metric tons; catch in 1990 was reported to be 27 metric tons.

Recognizing the need to achieve a consistent policy approach in international fora toward straddling stocks, the previous administration forwarded draft legislation to implement the NAFO Convention to the Congress in August, 1992. The issue of accession to NAFO was studied extensively and reaffirmed in the Clinton Administration's review of oceans and environmental policies, coordinated by the National Security Council under Presidential Review Directive 12. Therefore, the Administration will support the bill (H.R. 3058) introduced by Chairman Studds on September 14, calling for implementation of the Convention.

Participation in the work of NAFO's Scientific Council would help to ensure continuity of the data base accumulated over a period of more than four decades. It would provide U.S. scientists with important additional opportunities to exchange information on advances in fisheries science and to benefit from international peer review of their work. It would enable them to coordinate research programs on a multilateral basis to meet general scientific needs, to share research costs which would otherwise be borne exclusively by the United States, and to publish research results and obtain information concerning work in progress on a real-time basis.

Since 1979, the United States has derived some of these benefits by attending NAFO scientific meetings in observer status. Far greater benefits could be derived, however, from membership in the Organization.

We have also heard it argued by opponents of NAFO that U.S. membership would detract from the efforts of our managers, scientists and enforcement officials to undertake work concerning our own zone. We simply do not believe that to be the case.

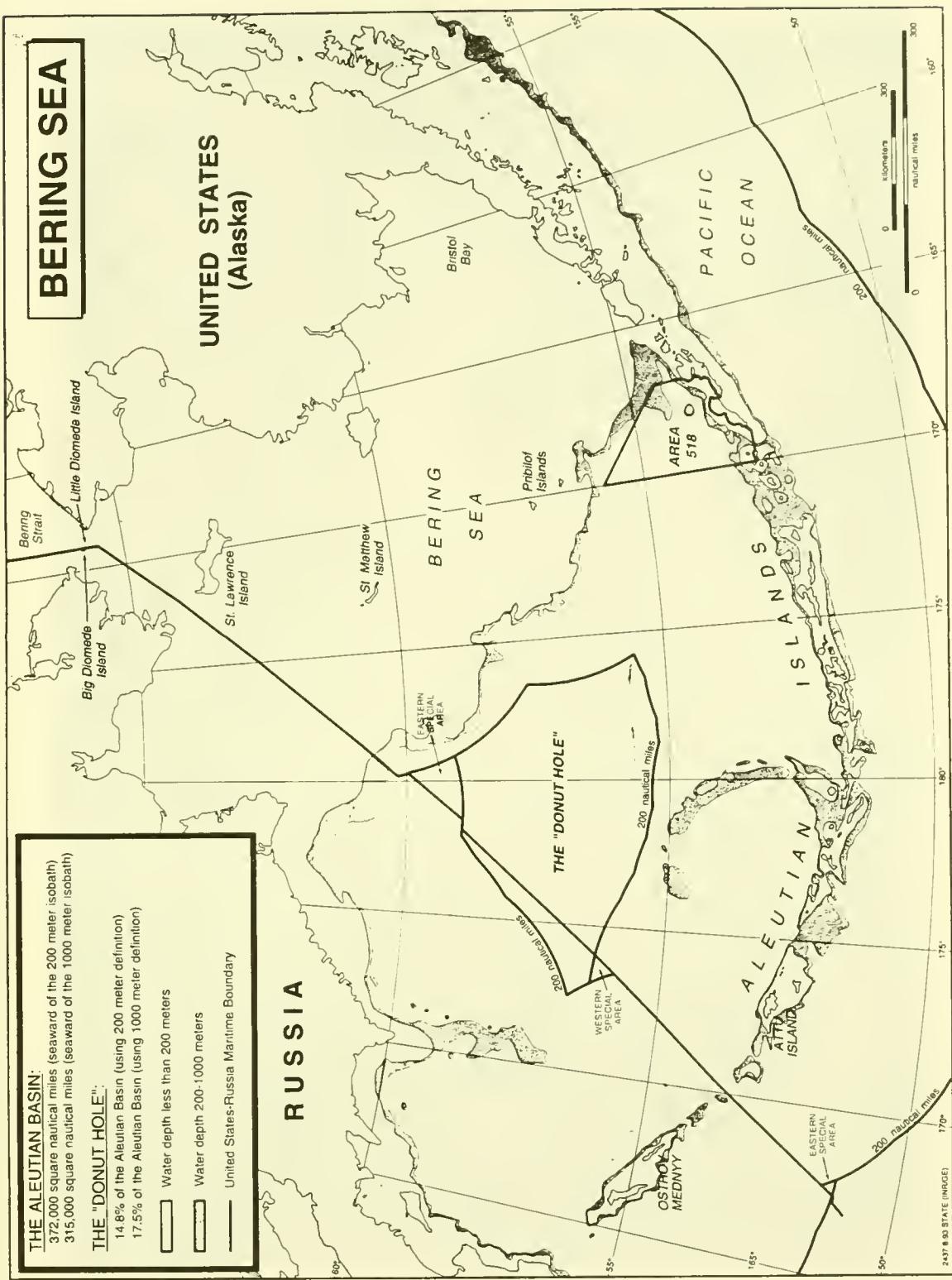
By joining NAFO, the United States would participate in the conservation and management decisions affecting fish stocks in the NAFO Regulatory Area. The United States would also participate in the allocation of the catches from these stocks.

NAFO is the kind of organization we encourage others to join. We encourage others to join ICCAT, IATTC, NPAFC and others; we support regional conservation approaches globally and we seek to create one in the Bering Sea. By remaining outside NAFO, we leave ourselves open to the accusation that we are not participating effectively in an international fishery conservation agreement.

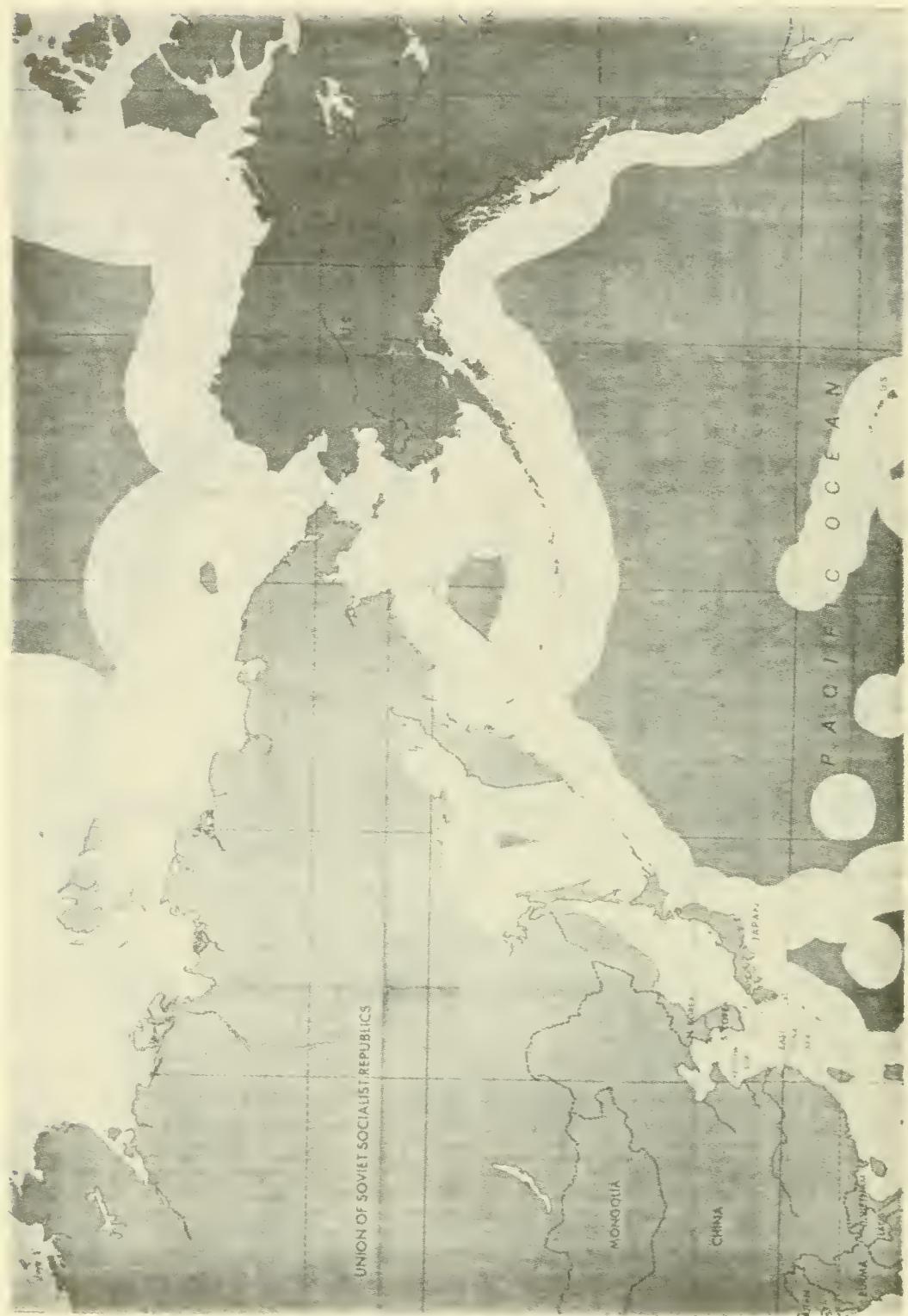
It is deeply important if we are to use commercial fisheries on a sustainable basis that all fishermen who fish outside their national zone - whether they be tuna fishermen

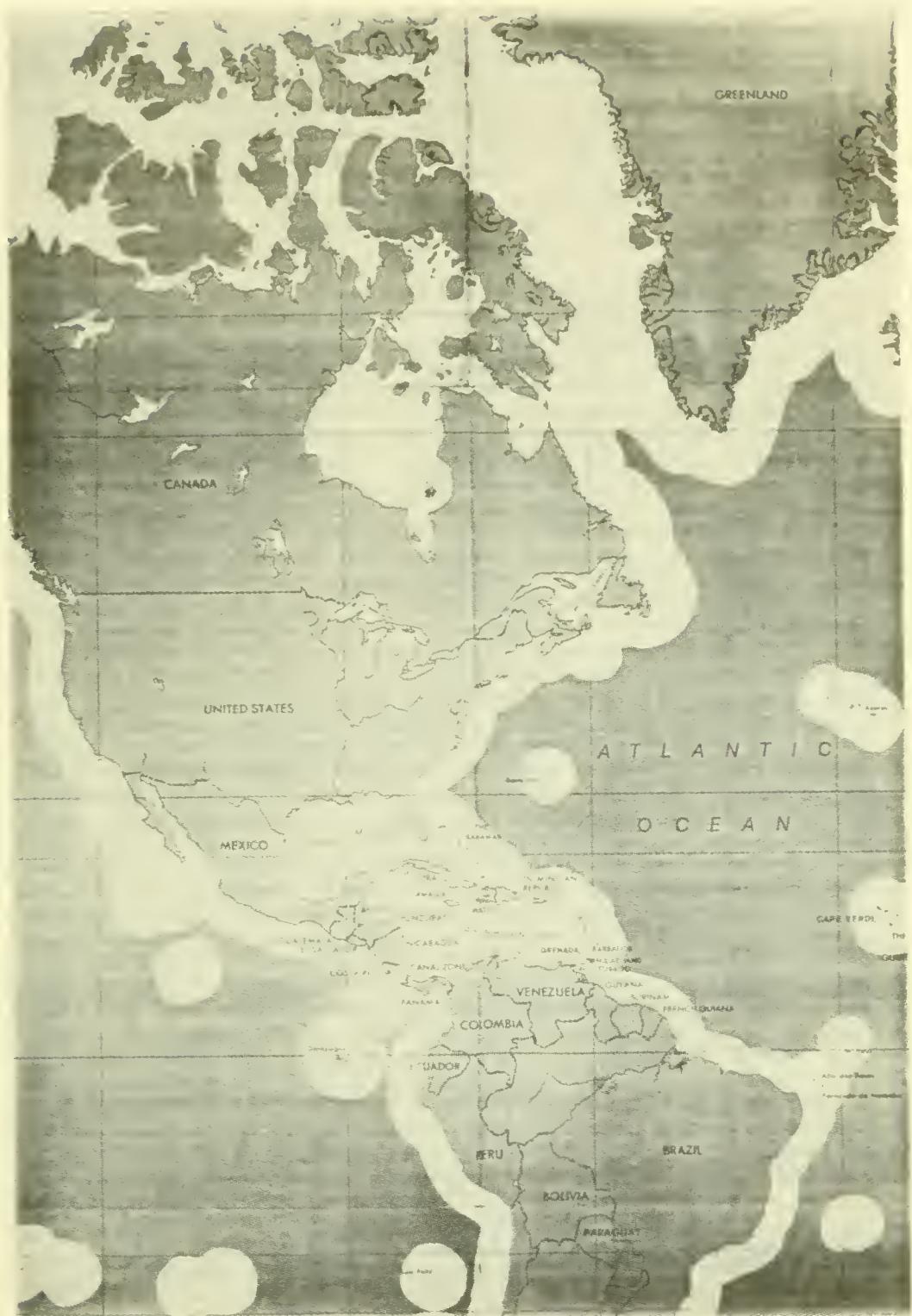
or whether they fish on straddling stocks - whether in the Sea of Okhotsk or in the north Atlantic - fish pursuant to rules established through the relevant conservation and management organization for the region.

Thank you.



Appendix to testimony of Ambassador David A. Colson, U.S. Department of State at a hearing on the Magnuson Fishery Conservation and Management Act Authorization. 9/22/93





Donut Hole/NAFO Hearing
H.Con.Res.135/H.R.3058
Questions and Answers
Subcommittee on Fisheries Management
Committee on Merchant Marine and Fisheries
U.S. House of Representatives

Ambassador David A. Colson
U.S. Department of State

Q. Am I correct in my impression that many of the same nations that refused to limit catch in the Bering Sea despite U.S. appeals are now loudly objecting to U.N. efforts to address straddling stocks and highly migratory stocks?

A. The unregulated "straddling stock" fishery for pollock begun in the mid-1980's and conducted by vessels of the People's Republic of China, Japan, the Republic of Korea, and Poland on the high seas "Donut Hole" area of the central Bering Sea has been of serious concern to the United States and Russia. In 1991, the U.S. hosted the first "Conference on the Conservation and Management of the Living Marine Resources of the Central Bering Sea." Seven conferences have been held since, and the U.S. will host the Ninth Conference in November. Some successes have been achieved with the foreign fishing countries: a voluntary fishing suspension was agreed to and is in effect for 1993 and 1994; cooperative scientific research is being conducted; and preliminary agreement has been reached on a level of pollock biomass which must be reached before the fishery is allowed to resume. However, much work remains to be done. A draft "Agreement for the Conservation and Management of the Pollock Resources in the Central Bering Sea" remains uncompleted; the two most recent meetings produced marginal results in finalizing the text. We have been disappointed in the lack of timely progress on concluding a long-term management regime, but will continue our efforts. With regard to the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, the Conference has had one substantive session, a basic negotiating text has been produced, but it has not yet been decided what the form of the outcome of the Conference may be. The U.S. position, which enjoys the support of many other delegations, is the development and implementation of strong regional conservation and management regimes which include all the relevant countries and which are effective in responding to specific regional needs of the resources and the people dependent on them.

Q. How do we convince these nations that reasonable conservation efforts serve everyone's best interests?

A. As more and more vessels have begun to fish on the high seas during the past decade, and the status of world fishery resources has declined, it has become apparent that effective conservation and management measures are a must for the long-term sustainability of fishery resources. This requires, in many cases, the willingness of governments to participate as full and active partners. For too long the short-term economic interests of industry have been put forward first; the long-term sustainability of the resources must have primacy. In the end, the resource will be better off, as will the industry.

Q. Several years ago "customary international law" was revised to extend coastal state fishing rights from 3 miles to 200 miles, so obviously the boundaries of territorial waters are not sacred. What would you think of an international agreement between the U.S. and Russia that treats the Donut Hole as internal waters and bars foreign fishing activity in those waters?

A. Since 1982, the living marine resource provisions of the United Nations Convention on the Law of the Sea have generally served the international community well. The United States accepts the Convention as reflecting customary international law, with the exception of its deep seabed mining provisions. The Convention resolved most of the fundamental issues concerning the use of the oceans and we have an interest in continuing the consensus which was achieved with the Convention. The Convention does not answer every question, and consequently, we must negotiate to resolve outstanding issues. But we must do so within the framework of the Convention.

Q. How do we assure that U.S. fishermen are allocated an equitable share of fisheries resources if the U.S. becomes a member of NAFO?

A. We have already begun informal discussions with some NAFO members on the issue of an equitable NAFO harvest share for U.S. fishermen. The organization is divided into two groups. The first argues that non-parties to the NAFO Convention who have fished on stocks of species regulated by NAFO, in the NAFO Regulatory Area, should not be given a quota if they join the organization. To do so, in their view, would reward those whose fishermen have disregarded NAFO rules. The second group of NAFO members supports small, reasonable quota shares for new members who join the organization. As a practical matter, until stocks of fish regulated by NAFO rebound, catches in the NAFO Regulatory Area will be small, regardless of a fleet's quota share. We would hope that our small but traditional fishery in the NAFO area would be recognized by NAFO members and we will seek reasonable quota shares for U.S. fishermen. However, the most reliable means of obtaining a satisfactory quota share is to send a well-prepared, strong, effective delegation to the annual NAFO meeting each year.

Q. Has the new Administration undertaken a review of NAFO, and if so when can we expect to receive implementing legislation?

A. As part of the overall review of environmental policies required under Presidential Review Directive 12, the Clinton Administration concluded that accession to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, which established NAFO, was consistent with the national interest. The Administration welcomes H.R. 3058, introduced September 14, 1993, by Chairman Studds, which is consistent with the Administration's approach to implementing the Convention. While there has been no interagency review of this bill, we do not anticipate objections to it since it is substantially similar to previous Executive Branch proposals, namely that which was forwarded to Congress in August, 1992, by the Bush Administration.

GARY C. MATLOCK
ACTING DEPUTY ASSISTANT ADMINISTRATOR
NATIONAL MARINE FISHERIES SERVICE
U.S. DEPARTMENT OF COMMERCE

BEFORE THE

SUBCOMMITTEE ON FISHERIES MANAGEMENT
COMMITTEE ON MERCHANT MARINE AND FISHERIES
U.S. HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1993

Mr. Chairman and members of the Committee: I am Gary Matlock, Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service (NMFS). I am pleased to be here today to discuss the fisheries management challenges that arise in regard to straddling stocks, with particular reference to the prevailing situations off our Pacific and Atlantic coasts.

The world community has had its attention turned to a list of management problems relating to straddling stocks that spans the globe. Straddling fish stocks are those stocks whose ranges span the 200-mile zones of national jurisdiction and the adjacent high seas area. From a conservation point of view, such stocks are likely to require coordinated management actions by adjoining coastal states and cooperation by those who prosecute fisheries in high seas areas to be effective. The world community is presently directing its attention to these challenges at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and through the Food and Agriculture Organization's efforts to develop a Code of Conduct for

Responsible Fishing. The theme of sustainable development, arising from the United Nations Conference on Environment and Development, has moved to the center stage of international fisheries conservation and management. These processes are ongoing, but underline the fact that the scenarios we face off both of our major coasts are but examples of problems facing the world at large.

I would first like to turn to the Central Bering Sea. We face the challenge of leading the distant water fishing countries of China, Japan, the Republic of Korea, and Poland to a sensible system of conserving the valuable pollock resource found there. We welcome and wholeheartedly support H. Con. Res. 135, which supports a continuation of these efforts.

Through an approach pursued in late 1990, we have supported and participated in the diplomatic process of trying to bring appropriate order to the essentially unregulated pollock fisheries in the Central Bering Sea (the donut hole). To prepare for this, we worked with our colleagues at the Department of State, the U.S. Coast Guard, in industry, state governments, and with our Russian counterparts, to coordinate policy and presentations. As detailed in the testimony of Ambassador Colson, we have achieved a voluntary suspension of all commercial fishing in the donut hole during 1993-1994, during which time all involved countries are committed to negotiating a long-term

management regime for the area.

Our critical role in this effort has been to supply expertise and information about the pollock resource and its trends and state-of-the-art means of fisheries monitoring and enforcement. We have hosted a number of international scientific meetings to collect and assess the data that have been so critical to the negotiations. We plan to host a further pollock symposium in early 1994. In addition, the experience we gained in deploying satellite transmitters on large-scale pelagic driftnet vessels on the high seas of the North Pacific was successfully transferred in gaining the agreement of the donut hole fishing countries to require the use of transmitters on their vessels.

The Department of Commerce (Department) places a high priority on successfully concluding the ongoing negotiations toward an appropriate, long-term conservation and management regime which serves our substantial interests for pollock in the donut hole. We will continue to work closely with the other countries, all of whom have agreed to make every effort to conclude the negotiation process during 1993.

Mr. Chairman, I will now offer a few remarks on the matter of the United States joining the Northwest Atlantic Fisheries Organization (NAFO). NAFO is the successor organization to the International Commission for the Northwest Atlantic Fisheries.

That commission provided a means of conserving and managing fish stocks, establishing a data base for these stocks, and promoting multilateral scientific research related to the fisheries. This work was carried out from 1950 until the mid-1970's when the extension of fisheries jurisdiction to 200 miles by several commission members, including the United States, required their withdrawal from the convention establishing the commission. The United States recognized, however, that a successor organization should preserve and continue many important functions of the commission, especially data collection and scientific research, as well as rational management of fish stocks that straddle 200-mile zones and adjacent high seas areas.

Therefore, we played an active role in the negotiations that led to the NAFO Convention. The Department, through NMFS, has continued to submit appropriate catch and effort information to NAFO relating to U.S. fishing activities in areas regulated by NAFO, and we participate in NAFO's scientific as well as management activities in an observer capacity. The benefits of these activities to the United States would be significantly enhanced were the United States to become a contracting party to the NAFO Convention.

In addition, by joining NAFO, we would have a voice in the conservation and management decisions affecting fishery resources in the NAFO Regulatory Area, including the allocation of catches

from the regulated stocks. NAFO is facing a number of challenges arising from declining or already depressed fish stocks. These circumstances make it even more important, from the conservation standpoint, for the United States to advance its interests from within the competent international regulatory body. Also, the United States is advancing the general argument that fishing countries have a responsibility to join and participate in regional fishery conservation and management organizations to manage fisheries in which the country participates or to cooperate in processes such as the one the United States is leading regarding the donut hole fisheries where regional organizations do not exist. Therefore, the Department supports H.R. 3058.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions you may have.

STATEMENT OF RON SOMERVILLE
SPECIAL ASSISTANT TO THE COMMISSIONER
ALASKA DEPARTMENT OF FISH AND GAME
BEFORE THE
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE
FISHERIES MANAGEMENT SUBCOMMITTEE
REGARDING
HOUSE CONCURRENT RESOLUTION 135

Mr. Chairman and members of the Committee, I am pleased to be here today to present the views of the State of Alaska regarding House Concurrent Resolution 135 (HCR 135) and the issues surrounding the Central Bering Sea "donut hole." I am Ron Somerville, Special Assistant to the Commissioner of Fish and Game, State of Alaska.

Mr. Chairman, Alaska's fisheries are some of the richest in the world. This is especially true for the Bering Sea where literally billions of pounds of fish and shellfish, worth hundreds of millions of dollars, are harvested each year within the Alaska 200 mile zone. The State of Alaska, and the nation, have long recognized the need to conserve these resources and manage them for the benefit of U.S. fishermen. Because of this concern, Bering Sea fisheries have been the subject of numerous regulations, laws, and international treaties and agreements, all aimed at conserving and managing these stocks.

Of course, one of the most important pieces of federal legislation affecting the Bering Sea fisheries was the Magnuson Fishery Conservation and Management Act (MFCMA) which implemented the U.S. policy to "Americanize" the fisheries off Alaska. The MFCMA was a dramatic success in this regard, and the foreign fleets which once dominated our waters were displaced by U.S. vessels.

Unfortunately, in response to losing these fishing grounds, the fleets of Japan, the Republic of Korea (ROK), the Peoples Republic of China (PRC), and Poland moved offshore to areas beyond the newly created 200 mile zone. As a result, since the mid-1980s, the state has been deeply concerned about the growth of an unregulated fleet of foreign trawlers fishing in the Central Bering Sea. The impacts of unregulated fishing in this area by these fleets has led to what the United States and the Russian Federation have labelled a "conservation crisis," and has resulted in the U.S. and Russia declaring their intent to use all necessary measures to achieve a solution to this crisis. HCR 135 speaks to this issue clearly, and is therefore strongly supported by the State of Alaska.

Mr. Chairman, it is important to put this issue in perspective. The area of the Bering Sea which we refer to as the Central Bering Sea "donut hole" is a small enclave which encompasses less than 10 percent of the total area of the Bering Sea, or about 15 percent of that portion of the Bering Sea where depths exceed 200 meters. This deepwater area is referred to as the Aleutian Basin, and

encompasses waters inside both the Russian and U.S. 200 mile zones as well as the donut hole enclave.

Within the Aleutian Basin there is a stock of pollock which we refer to as the Aleutian Basin pollock stock. This stock of pollock inhabits the deepwater area of the Bering Sea, and "straddles" the boundaries between the U.S. zone, the Russian zone, and the donut hole area. Spawning occurs almost exclusively inside the 200 mile zones. A major component of the Aleutian Basin stock is what we refer to as the Bogoslof pollock stock, which appears to move from spawning grounds around Bogoslof Island in the Aleutians into the donut hole and back. Estimates indicate that 60 percent to 80 percent of the Aleutian Basin stock may be originating in the U.S. zone near Bogoslof Island.

The best information which is available to us strongly suggests that the Aleutian Basin stock has been severely overfished. There appears to be a strong correlation between the dramatic decline of the donut hole fishery and the precipitous collapse of the Bogoslof stock. Biomass estimates for the Bogoslof pollock stock show a dramatic decrease from 2.1 million metric tons in 1989 to a low of 600,000 tons estimated for 1991. The preliminary 1993 estimate for Bogoslof, as reported by NMFS in June of this year, was in the 600,000 to 900,000 metric ton range.

This decline corresponds closely to the dramatic decline in foreign catches reported for the donut hole. The first reported catches for the foreign fleets totalled about 360,000 metric tons

in 1985. This had grown to a reported catch of 1.447 million metric tons in 1989. By 1991 the reported catch had dropped to around 290,000 metric tons. By 1992 the fishery had collapsed to the point that a little over 10,000 metric tons was reported harvested.

The collapse of the Aleutian Basin stock has had a significant impact on U.S. fishermen. In 1991, the Aleutian Basin pollock roe fishery in the U.S. zone alone was valued at \$106 million. In response to the obvious need to conserve the Aleutian Basin stock, the North Pacific Fishery Management Council took action in 1991 to close the fishery for 1992 in U.S. waters, and to prohibit U.S. vessels from fishing in the donut hole. The fishery remains closed today at great cost to U.S. fishermen. Even so, the U.S. industry has strongly supported this closure in order to conserve, and hopefully rebuild, the stocks to healthy levels. In this regard, we have been joined by the Russian Federation, which has taken similar actions in order to conserve the Aleutian Basin stock. Unfortunately, the efforts of the United States and the Russian Federation to conserve this stock have been severely compromised by the lack of action by the distant water fishing nations.

During the past two and one-half years, the United States, joined by the USSR and later the Russian Federation, has tried unsuccessfully to conclude a multi-lateral agreement with the distant water fishing nations of Japan, PRC, ROK, and Poland to conserve and manage fishery resources in the Central Bering Sea.

During this time the State of Alaska has worked closely with the State of Washington, our industry advisors, three successive federal administrations, and the Congress to secure an acceptable long-term solution. Despite years of work and seven rounds of talks, such a solution remains elusive.

During the period from February, 1991 to August, 1992 five international Conferences were held to discuss the conservation and management of the living resources of the Central Bering Sea. Minimal progress was made until the fifth Conference, which was held in Moscow in August of last year. Up until that time the distant water fishing nations had generally resisted efforts by the U.S. and Russia to restrict fishing in the donut hole, and the fishery had collapsed. At the fifth conference, all nations finally agreed to a two year moratorium on fishing beginning in 1993 and running through 1994. At that time, all parties to the talks reaffirmed their intent to negotiate over the interim a long-term agreement which would govern fisheries in the area once the moratorium expired.

Since that time, there have been two additional rounds of talks on the long-term agreement. Major issues remain to be resolved. At the latest round of talks, held this June in Tokyo, little if any progress was made. In fact, it appeared to us that several of the distant water fishing nations were retreating from progress which had been achieved previously. This has caused great concern among the U.S. participants, and leads us to question whether or not the

distant water fishing nations are seriously seeking solutions to the remaining issues.

The frustrations and concerns that came out of the Tokyo Conference surfaced this July in New York at the U.N. sponsored Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. At the U.N. conference, the United States and the Russian Federation issued a joint statement regarding the Central Bering Sea and the Sea of Okhotsk. In the case of both the Central Bering Sea donut hole and the so called "peanut hole" enclave of the Sea of Okhotsk, the same fleets have been depleting stocks of pollock despite efforts by the coastal states to conserve those stocks. In both instances, the conservation efforts of the coastal states have been subverted by the fishery in the enclave, resulting in serious environmental and economic impacts to coastal fishermen. The joint statement described the impacts of these unregulated fisheries as resulting in conservation crises in both areas, and called for the use of all necessary measures to resolve these issues.

Mr. Chairman, HCR 135 provides a clear description of the problems facing us in trying to resolve the donut hole problem. Last year, Congress passed the Central Bering Sea Fisheries Enforcement Act. This was a good first step, one which we believe influenced the decision to adopt the two year moratorium on fishing. The time is now drawing close when further action is necessary. It is a matter of serious concern to us that an acceptable long-term

conservation and management agreement be in place prior to the expiration of the moratorium. The next opportunity is coming in early October, when the eighth round of talks is scheduled to take place in Seoul, Korea.

Like the joint U.S./Russian statement at the United Nations, HCR 135 calls for the use, in accordance with international law, of all available measures to resolve this issue and secure an acceptable long-term management regime for the Central Bering Sea. We fully concur with that statement, and would suggest that Congress consider the following options if meaningful progress is not made in the near future to develop the necessary management agreement.

1. Strengthen the Central Bering Sea Fisheries Enforcement Act to include economic sanctions against nations violating the provisions of the act;
2. Deny direct foreign aid assistance, including placing restrictions on funds provided by the United States to international institutions, such that nations in violation of the Central Bering Sea Fisheries Enforcement Act may not receive such aid;
3. Deny Most Favored Nation trading status to any nation fishing in the Central Bering Sea in violation of the Central Bering Sea Fisheries Enforcement Act;

4. Require the Secretary of Commerce, through the Secretary of State, to initiate bilateral negotiations with the Russian Federation to develop a joint management regime for fisheries in the Central Bering Sea donut hole if multi-lateral negotiations are unsuccessful in securing an acceptable long-term agreement in time to be implemented prior to the expiration of the present moratorium.

Mr. Chairman, I want to thank you for this opportunity to present the views of the State of Alaska regarding HCR 135. We appreciate and applaud your actions to assist in resolving the important issues surrounding management of the Central Bering Sea.

Testimony
of
Robert F. Morgan

before the House of Representatives
Subcommittee on Fisheries Management

Re: Central Bering Sea Fisheries Stocks
&
H. Con. Res. 135

September 22, 1993
Washington, D.C.

Good afternoon Mr. Chairman and members of the Subcommittee. For the record, my name is Robert Morgan, I am here today in my capacity as Director of Oceantrawl Inc., Seattle, Washington, one of the largest harvesting, processing and marketing seafood companies in the United States. In addition, I am presently President of the American Factory Trawlers Association. I also have the pleasure of serving as an advisor to the U.S. Department of State on the North Pacific and Bering Sea Fisheries U.S. Advisory Body.

At the outset, I would like to say that those of us in the Pacific Northwest fisheries industry appreciate the leadership and supporting role both you and Chairman Studds are playing on the critical issue of marine conservation. Specifically, the conservation and management of pollock resources in the Central Bering Sea. In this regard, I am quite pleased to be here today to offer my unequivocal support for H. Con. Res. 135, calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the "Donut Hole". Mr Young should be commended for his sponsorship of this important Resolution.

As we all know, during the mid-80's, foreign countries began taking massive amounts of U.S. and Russian fish from the Donut area. This, of course, precipitated major conservation problems in the fishery zones of both the U.S. and Russia. The Donut Hole is one of the most productive regions for commercial fishing in the world. The stocks straddle both the U.S. and Russian Zones, and as a result of the Donut Hole's overutilization, the U.S. experienced dramatic declines of its valuable fishery resources in its Exclusive Economic Zone (EEZ).

I am happy to report to the Subcommittee today that as a result of the bilateral actions of both U.S. and Russia since the mid-80's, significant changes have occurred in the fishing practices of foreign nations in the Donut Hole. Effective conservation and management regimes have been negotiated and implemented with the foreign distant waters fishing nations for the Donut Hole. However, these negotiations have not provided a permanent solution for a controlled fishing regime in the Donut Hole. A permanent enforceable solution is absolutely essential.

Although foreign delegates signed a document in 1992 providing for temporary suspension of all commercial fishing in the Donut Hole for 1993-94 and subsequently met in 1993 to negotiate a long-term management regime, nothing permanent has been agreed to as of this date. I would ask the Subcommittee to pursue vigorously legislation to ensure permanent conservation and management for these important resources.

And lastly, Mr. Chairman, I would like to bring to your attention The U.S. "draft" Agreement for the Conservation and Management of Pollock

Resources in the Bering Sea as negotiated by the Department of State and the Governments of the Peoples Republic of China, Japan, Republic of Korea, Republic of Poland and the Russian Republic. This Agreement has the strength and bite to protect our straddling stocks. I respectfully request that when The Agreement is sent to the Congress, please take immediate and positive action. As an advisor to the Department of State on this Agreement, I believe it will go a long way towards a permanent solution in conserving the Central Bering Sea stocks. We are continuing our deliberations in Seoul in early October and the introduction of this Bill will give strong support to this goal.

Thank you Mr. Chairman for the opportunity to testify before the Subcommittee today and I would be happy to respond to any questions you or the other members may have.

Oceantrawl

October 15, 1993

Mr. Thomas J. Manton
Chairman
Subcommittee on Fisheries Management
US House of Representative
Committee on Merchant Marine and Fisheries
Room 1334, Longworth House Office Building
Washington, DC 20515-6230

Dear Chairman Manton:

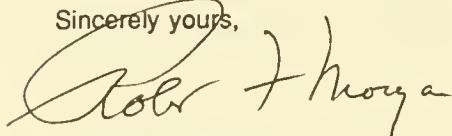
I want to thank you for your interest and concern for the US Fishery.

I appreciate having been invited to testify before your very important Subcommittee on fisheries management.

I am attaching my responses to the questions you asked. I hope I have been helpful.

Should you desire to contact me further regarding these important concerns, please feel free to do so.

Sincerely yours,



ROBT F. MORGAN,
DIRECTOR

cc:  Ms. Lori Ross
Subcommittee Clerk/Legislative Assistant

encs.

RFM:lal

Oceantrawl

Question 1: Mr. Somerville has testified that the closure of the pollock roe fishery has a great cost impact on US fishermen. Would you please elaborate as to what you see as the cost of the closure of this fishery?

Answer 1: Two-thirds of the total income to US fishermen in the pollock fishery occurs during the roe season. There is no biological reason to limit this portion of the fishery beyond what is recommended by the scientists charged with the responsibility of assuring the continuing propagation of this resource. In fact, scientists do not believe that a roe fishery, under the current quota, is detrimental to the health of the pollock resource.

Question 2: Have there been any studies that correlate the decline in pollock stocks in the Aleutian Basin with declining populations of Steller sea lions and harbor seals in that same area? The decline in these mammal stocks appear to have been first detected in the Aleutian Islands/Bering Sea and are now spreading to areas east.

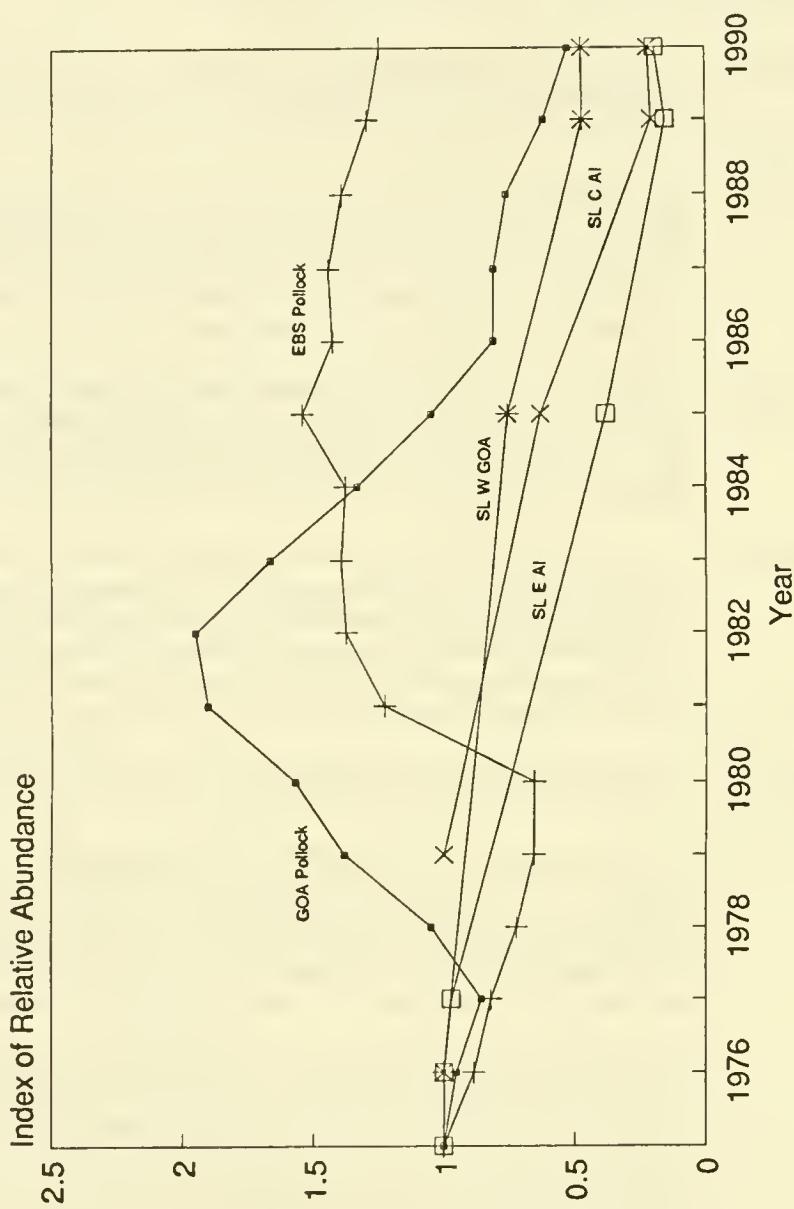
Answer 2: There is no apparent link between the decline of marine mammal population and the condition of the pollock resource. The following graph shows that the pollock resource has been stable or increasing while stellar sea lion numbers have declined. However, there are studies which indicate that water temperature, salinity and currents are correlated with the decline of the marine mammal population.

Question 3: What are the economic consequences of fishermen being restricted from fishing in international waters?

Answer 3: If question number 3 is a reference to US fishermen, I don't think one can generalize. For example, "The Donut Hole" fishery is composed of "straddling stocks", most of which spawn in US waters and the balance spawn in Russian waters. The conservation of these stocks in the Bering Sea is essential to the United States. We can monitor catches within our zone but it is extremely difficult to monitor catches in international waters.

My understanding is that the "Peanut Hole" in the Sea of Okhotsk is similar in that "straddling stocks" originate in Russian waters and that they have the same concern about conservation. I would hope that by negotiation we would be able to resolve the issue of excessive exploitation. However, I would be opposed to US law prohibiting US fishermen from fishing in international waters because there may well be places in the world where it would be acceptable.

Sea Lion and Pollock Abundance
Eastern Bering Sea & Gulf of Alaska



Sea Lion and Pollock Abundance

Eastern Bering Sea & Gulf of Alaska

Sources

1. Hollowed, A. 1991. Gulf of Alaska walleye pollock: population assessment and status of the resource in 1991. **Preliminary Assessment**
2. Merrick, R. L., et al. 1991. Aerial and ship-based surveys of Northern Sea Lions (*Eumetopias jubatus*) in the Gulf of Alaska and Aleutian Islands during June and July 1990. NOAA Tech. Memo. NMFS F/NWC-196
3. Wespestad, V. 1991. Eastern Bering Sea and aleutian Islands walleye pollock; **Preliminary Assessment**

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September 22, 1993

Statement of Matthew Gianni

On Behalf of
Greenpeace International

Before the
Subcommittee on Fisheries Management
of the House Committee on Merchant Marine and Fisheries

Concerning
International Fisheries Management
in the Northwest Atlantic and North Pacific Oceans

Mr. Chairman,

I am Matthew Gianni, High Seas Fisheries Campaign Coordinator for Greenpeace International. Greenpeace is an international environmental organization dedicated to protecting the planet through non-violent direct action, public education and legislative lobbying. Greenpeace has offices in 30 countries around the world, with 1.6 million supporters in the United States and 4.5 million worldwide. Our organization works on several major campaign areas, including atmosphere and energy, toxics, disarmament, forests and ocean ecology.

I appreciate the opportunity to testify today at this hearing as your Subcommittee examine important issues involving the United States and international fisheries management. This hearing provides an opportunity to "sound the alarm", to educate decision makers and the public, at large, and to compel actions that are needed to protect and conserve marine species and ocean ecosystems, both within the United States' 200-mile Exclusive Economic Zone (EEZ) and adjacent high seas areas.

Mr. Chairman, I would like to highlight key points in my written statement, while asking that the entire statement be accepted as part of the formal record for this hearing.

INTRODUCTION

"the oceans are marked by a fundamental unity from which there is no escape".
(Our Common Future, page 262)

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The oceans, though vast and covering over 70% of the earth, are a vulnerable and complex environment. Fish as well as many other unique and important species live in or depend upon the oceans. The oceans are this planet's primary life-support systems. They provide most of our oxygen, moisture and weather patterns. We count on the seas for food, trade, recreation and commerce. Without healthy oceans, life as we know it would end.

The long term health of the oceans, coastal areas and diverse forms of marine plant and animal life is critical to the life support of this planet. Of urgent concern to the viability of living marine ecosystems and global food security is the impact and management of fishing in all areas of the world's oceans, including, but not limited to, the high seas.

Fishing is an ancient human tradition. Today, however, tradition has been increasingly transformed into a capital intensive, high technology global industry with the capacity to radically alter the balance of nature in marine ecosystems throughout the world's oceans and seas, with potentially devastating consequences.

Reported global marine fish catches have risen from approximately 20 million tons per year in the early 1950s to 86 million tons by 1989. However, recent estimates indicate that marine landings have fallen by over 4.5 million tons between 1989 and 1991 - a warning that the limits may have been reached and indeed

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surpassed.

The United Nations Food and Agriculture Organization (FAO) reports that most commercially important stocks of fish are either fully exploited, overexploited or depleted. Yet the global fishing fleet continues to expand. FAO estimates that total tonnage of fishing vessels increased at twice the rate of increased catches in the 1980s. And the continued expansion of fishing capacity has resulted in tremendous costs. FAO 'conservatively' estimates that, on a global basis, the world's fishing fleet in 1989 operated at a \$54 billion deficit. By way of explanation, FAO states that many large-scale commercial fishing fleets continue to operate in spite of such enormous losses because of "massive subsidies and other forms of government support".

The FAO has long promoted the development and growth of fisheries and has been a key party to the rapid, irresponsible expansion of fishing effort worldwide. Even the FAO, however, is beginning to realize that the growth in fishing has reached its limits. In a recent statement (May 1992) occasioned by the release of an FAO.

report warning that one-fourth of the world's biodiversity may disappear in the next thirty years, the FAO states:

"The world fish catch has increased more than four times in the past 40 years, but the over-intensive use of

modern technology and search for short-term benefits, coupled with continuous government support for otherwise uneconomic production, has had a devastating impact on many important fish stocks. Commercial fleets have driven some species to commercial extinction and sometimes close to biological extinction..."

Overfishing is a self-destructive cycle of exploitation, in which insatiable demand and rising prices for fish lead to more intense fishing on dwindling stocks, which in turn gives rise to still higher prices; and thus even more intense exploitation. The inevitable consequence has been the decline, and in some cases, the collapse of many major fish stocks around the world.

Though fish declines are often well documented, very little is known of the overall impacts on marine species not targeted for commercial exploitation, particularly slow growing, slow reproducing species. Bycatch, discards and waste are rampant in many large-scale commercial fisheries. So little is known of the dynamics and interdependence of marine species that, even where relatively good estimates of catch and bycatch do exist, it is difficult, if not impossible, to assess the long term risks to affected marine species.

The uncertainties surrounding the impacts of fishing on the world's oceans are further compounded by the effects of other human activities. Global warming, ozone depletion, marine

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pollution and the physical degradation of coastal and marine areas are increasingly recognized as posing serious threats to the health of the seas. Yet, here again, little information exists upon which to base an assessment of the impacts to fish and other marine species, and even less is being done to mitigate the risks.

The fundamental failure to limit the rapid expansion and scale of fishing, and the environmental impacts of fishing and other human activities, is threatening not only commercially targeted fish populations and the viability of fisheries, but also a vast array of other marine species, marine biodiversity and many millions of people worldwide who depend on fish for food and livelihoods.

STRADDLING AND HIGHLY MIGRATORY FISH STOCKS

As with fisheries generally, there has been a rapid expansion of effort on straddling and highly migratory stocks -- stocks fished both on the high seas and in zones of national jurisdiction. For example, world landings of all tunas have more than doubled in the last 20 years from approximately 1.9 million tons/yr in the early 1970s to 4.2 million tons in 1990.

With the widespread adoption of EEZs, many coastal states have aggressively pursued the development of fisheries within newly acquired areas of national jurisdiction. Often the

development of EEZ fisheries, as with other types of natural 'resources' development, has been the result of pressure from multilateral and other lending institutions to service national debt. At the same time, many distant water fishing nations are seeking to expand existing fishing operations or secure new opportunities for fisheries on the high seas in response to a variety of factors. Amongst these factors are the depletion of fisheries within national zones, overcapitalization of distant water fleets, the increasing exclusion of distant water fleets from national zones and rising international demand for fisheries products.

As a result, fishing has increased substantially in international waters. Although data on fish catches on the high seas is seriously deficient, FAO estimated that in the mid 1970s, the period of the initial adoption of 200 mile EEZs, high seas catches accounted for 1-5% of total marine catch. Based on estimated catches at that time, this would translate to an approximate figure of 0.6 - 3 million metric tons. For 1989, estimates of high seas catch ranged between 7 to 12 million tons.

Most straddling, highly migratory and high seas stocks are either fully or overexploited and a number of these stocks, such as the Aleutian Basin stock of Alaska pollock in the Bering Sea and the Grand Banks stock of Northern Cod in the Northwest Atlantic, have been severely depleted or collapsed.

Virtually all fisheries for straddling and highly migratory fish stocks and fishing on the high seas are currently conducted in areas where regional, multilateral, fisheries management regimes are weak or in some cases, such as in the North Pacific tuna fisheries, non-existent. Most regional conventions operate on a consensus basis with no effective mechanisms for establishing necessary conservation measures in the absence of unanimous consent.

Where regional agreements do contain measures designed to afford at least some minimum level of conservation, these measures are consistently undermined by exemption clauses, vessel reflagging, fishing by countries not party to the agreement, and the absence of any effective independent means of monitoring, surveillance or enforcement.

The rapid increase in technological capacity and the high mobility of high seas fleets makes it essential for all nations to cooperate in establishing effective global mechanisms for fisheries conservation in international waters. The issue of high seas driftnet fishing is a case in point.

Large-scale driftnet fishing expanded rapidly on the high seas of the North Pacific in the late 1970s and early 1980s. In the mid 1980s high seas driftnet fleets began moving into the South Pacific and the Indian Oceans and, in all probability, other regions as well. Of special note, the U.S. Congress played a key

role throughout the late 1980s and early 1990s in strengthening the position of the United States in international negotiations toward a moratorium on high seas driftnet fishing. The UN General Assembly agreed to a moratorium on high seas driftnet fishing and, though high seas driftnet fishing has not entirely ceased, the UN moratorium has been implemented in most areas of the world.

The United Nations Convention on the Law of the Sea (UNCLOS) provides a global framework for the international management of fisheries. Though the fisheries provisions of UNCLOS are generally recognized as customary international law, the Convention itself has yet to come into force. Even as customary international law, however, the provisions of UNCLOS pertaining to the relative rights and obligations of States with respect to straddling and highly migratory fish stocks, and fishing on the high seas, are subject to differing interpretations.

Recognizing this, the United Nations Conference on Environment and Development called for the UN Conference on Straddling and Highly Migratory Fish Stocks in an effort to resolve differences in order to "fully implement" (Agenda 21, 17.49) these provisions. It is obvious that if long term solutions are to be achieved for the conservation and management of transboundary fish stocks, in the Bering Sea and in the Northwest Atlantic, among other places, then international rules and obligations must be made clear and adhered to. The fisheries provisions of UNCLOS

must be further elaborated, strengthened and applied in a legally binding manner.

In July of this year, the UN hosted the first substantive session of the Conference on Straddling and Highly Migratory Fish Stocks. Greenpeace played an active role at the conference in working with other non-governmental organizations from around the world, in generating public interest, and in pressuring governments on the need for fundamental fisheries reform. Following is an outline of Greenpeace's positions on the issues of straddling and highly migratory fish stocks and international fisheries management. We believe that the key points outlined below are directly relevant to the Subcommittee's deliberations on international fisheries management in the Bering Sea and Northwest Atlantic Ocean.

GREENPEACE POSITION ON GLOBAL CONSERVATION AND MANAGEMENT OF TRANSBOUNDARY STOCKS AND HIGH SEAS FISHERIES

The straddling stocks, highly migratory stocks and high seas fisheries provisions of UNCLOS -- Articles 63(2), 64 and 116 - 119 -- must be further elaborated and strengthened. This will require a fuller articulation of the principles and obligations contained in these provisions with respect to the rights and responsibilities of both coastal and high seas fishing states, in particular the obligations for cooperation and conservation in fisheries. First and foremost is the obligation to conserve.

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Greenpeace's basic concerns and views regarding reforms that are needed with respect to the international conservation and management of fisheries are addressed in an "NGO Statement: A Call for Global Fisheries Reform." That statement was presented at the opening session of the July 1993 UN fisheries conference. As of mid-August 1993, Greenpeace and nearly 130 other non-governmental organizations (NGOs) from around the world have endorsed the NGO Statement. I ask that the NGO Statement, and accompanying list of endorsing organizations, be made part of this hearing record.

Fundamental to the issue of fisheries conservation and the exploitation of living marine 'resources' is the adoption of a precautionary approach to fisheries management. The precautionary approach has gained increasingly widespread acceptance - reflecting evolving State practice on the national and international level - in a variety of international legal instruments. Specific to the issue of fisheries, the precautionary approach formed the basis of UN General Assembly Resolutions 44/225, 45/197 and 46/215 on large-scale pelagic driftnet fishing and its direct relevance to oceans-related issues has been acknowledged in Chapter 17 of Agenda 21 of the 1992 United Nations Conference on Environment and Development (UNCED).

The obligation to conserve must also include the elaboration of standards for minimizing waste, bycatch and discards,

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the promotion of fishing gear selectivity, the protection and restoration of endangered species and populations, and the preservation of fisheries habitat. These objectives have all been agreed to by governments at UNCED (Agenda 21/Chap. 17.46), and the negotiation of conservation and management measures for fisheries at both regional and global levels must both reaffirm and strengthen intergovernmental commitment toward these ends.

The issue of equity must be fully addressed and reflected in any development and implementation of standards for fisheries conservation. As most major fish stocks reach or surpass levels of maximum exploitation, continued investment, expansion of capacity and open competition in fisheries will doom conservation efforts to failure. This is particularly true in the case of the Aleutian Basin pollock fishery and the fisheries for cod and other straddling stocks in the northwest Atlantic. Full public participation in the negotiation and implementation of fisheries conservation and management measures must be established to ensure that decisions regarding fisheries and their impacts on the marine environment are equitable and accountable to all interested parties.

Practical mechanisms must be developed or strengthened for the implementation of the fisheries provisions of UNCLOS and the conservation and management of fisheries on both a regional and global basis, with particular emphasis on the high seas. Along with a variety of mechanisms, a global fund for fisheries

conservation should be established on the basis of fees for fishing in international waters - in effect, the global commons - to finance the necessary means to ensure fisheries conservation and marine habitat protection for straddling and highly migratory fish stocks on both the high seas and within EEZs.

The issue of consistency - the extent to which conservation measures should apply throughout the range of a stock both on the high seas and within EEZs - was an issue of great contention at the UN Conference in July. The issue largely centered on a debate over the relative rights of coastal and distant water fishing states with respect to high seas fishing on straddling - UNCLOS Art 63 (2) - and highly migratory - UNCLOS Article 64 - fish stocks. Yet the debate was primarily one of allocation - who gets the fish - with insufficient emphasis placed on conservation and the protection of marine habitat.

Greenpeace takes the position that for straddling and highly migratory fish stocks, a consistent conservation and management regime is needed throughout the ranges of the stocks as a safeguard against overexploitation and other adverse environmental effects. For purposes of the UN Conference, as well as in establishing a conservation and management regime on regional levels, any elaboration of coastal state and distant water state rights regarding fishing on straddling and highly migratory fish stocks and fishing on the high seas must, more importantly than dealing with "rights", clearly enhance those

same states' responsibility for the conservation of the stocks, including an explicit obligation for the protection of fisheries habitat both on the high seas and within EEZs.

In this regard, the negotiation of the anadromous species provision of UNCLOS - Article 66 - is instructive. Articles 63 (2), 64, and 66 are, to a large extent, variations of the same basic issue - the relative rights of coastal and high seas fishing states over transboundary stocks in international waters.

During the Third United Nations Conference on the Law of the Sea, several coastal states, amongst them the United States and Canada, advanced the argument that coastal states, in whose rivers anadromous species spawn, should have preferential rights over the fisheries for anadromous species while on the high seas because of the costs borne by the coastal states in maintaining the habitat of these fish. The end result of the negotiations - Article 66 - gives coastal states virtually exclusive rights to determine the extent, if any, of fishing for anadromous species on the high seas. Article 66, however, does not contain any explicit obligation to maintain the habitat of these fish.

The practical result or, to borrow the language of Agenda 21 (17.49 e), the "effective implementation" of Article 66 has been coastal states success in negotiating international agreements to prohibit high seas fishing for salmon in the North Atlantic (North Atlantic Salmon Conservation Organization) and the North

Pacific (1992 North Pacific Salmon Treaty). Yet, in the case of North American salmon, the habitat of these fish has not been maintained. A recent report by the organization American Rivers details a devastating impact to the habitat of North American salmon as a result of destructive logging, grazing, mining, agricultural practices, water diversion projects and, above all, hydroelectric power projects.

For example, the report estimates that 200 wild runs of salmon have been lost forever and another 76 are endangered with extinction in the Columbia Basin alone, one of the largest salmon spawning river systems in North America. Altogether the Columbia Basin watershed has seen a decline in runs from about 16 million to 2.3 million fish of which only approximately 300,000 are from wild runs - the rest being hatchery-raised fish. Habitat degradation and the diminution of salmon has greatly impacted commercial fishing as well as fishing by indigenous peoples for whom salmon is integral to their cultures. One effect has been increasing conflict amongst commercial, recreational and indigenous fishers as they compete for decreasing supply.

Fisheries conservation is not solely a function of regulating the impact of fishing on targeted, associated or dependent species of marine life. Conservation must also entail the protection of fish and the marine environment from the deleterious effects of any human activity.

Both coastal and high seas fishing states must assume enhanced and explicit responsibilities for the conservation and protection of habitat for straddling and highly migratory fish stocks on both the high seas and within EEZs. The commitment to "preserve" marine habitat in the context of fisheries management both on the high seas and in zones of national jurisdiction has been agreed in principle in Agenda 21 (inter alia 17.46f, 17.74f). This commitment must be fully reflected, in a legally binding manner, as part of giving "full effect" to the straddling stock and highly migratory fish stock provisions of the UN Convention on the Law of the Sea (Agenda 21, 17.49a/b).

In general, mechanisms at the national, regional and global levels must be established and strengthened to ensure meaningful public participation in the development of priorities, policies, implementation and oversight of marine fisheries. Greenpeace, for example, has had real difficulties in obtaining access to the annual meetings of NAFO. We have, over the last several years, repeatedly requested observer status and been denied.

However, mechanisms to ensure public participation must include more than merely granting NGO "observer status" to select meetings or commissions. Participation must include access to information, ability to comment and participate in decision making, and public oversight and controls on commercial fishing activities. The oceans belong to no one, but ensuring that human impact does not contribute or create environmental destruction in

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the end is the responsibility of all.

The interests of small-scale, traditional fisheries must be fully recognized in any multilateral agreement whether at the global, regional or subregional level. Traditional methods of fishing and fisheries management in many instances offer a more ecologically sound alternative to capital intensive, highly mobile, industrial methods of fishing. Coastal communities traditionally dependent upon adjacent resources generally have a much greater interest in maintaining the health of fish stocks and the surrounding environment than do highly mobile, long range fleets. Small-scale and coastal fishing is critical to the food security and livelihoods of many millions of peoples throughout the world. This is especially relevant to the fisheries in the NAFO region. Coastal communities traditionally dependent on fishing throughout Newfoundland and other Canadian Atlantic provinces have been particularly hard hit by the recent closures of the Northern cod and other east coast fisheries.

Governments at the Earth Summit agreed to a commitment to give special consideration to the interests of small-scale, traditional, community based and indigenous fisheries (UNCED Agenda 21, Chapter 17.74 (b), 17.79 (b), 17.81 (a) (b), 17.82, and 17.94 (b)). This commitment must be taken seriously and be fully reflected in the implementation of effective conservation and management of fisheries on straddling fish stocks in the Northwest Atlantic and elsewhere.

Along with standards for conservation and equitable participation in fisheries and fisheries management, it is imperative that cooperation amongst States for the management of straddling, highly migratory and high seas fishing be strengthened. Legally binding dispute settlement as provided for in UNCLOS must be complemented by effective means of enforcement.

Enhanced cooperation should apply not only to existing fisheries but also should include an obligation for all nations fishing on the high seas to report on research and development into new fishing grounds and species, in the context of the general obligation to share information on high seas fishing (UNCLOS, Article 119 (2)).

Fish, fisheries, and appropriate conservation measures obviously vary from region to region as does the political, social, cultural, and economic context of the management of fisheries. Yet distant water fishing fleets are becoming increasingly global in scope as is the investment, market and trade in fish caught on the high seas. Often, restrictions on the activities of fleets in one fishery or region may be undermined or cause problems elsewhere as fleets reflag, move in search of less restricted fishing or redirect fishing effort to the exploitation of "underutilized" species not covered by regional agreement. The movement of fishing fleets from the "donut hole" of the Bering Sea to the "peanut hole" of the Sea of Okhotsk after the collapse of the Aleutian Basin stock of pollock is an obvious

case of high seas fleet mobility and illustrates the need to take a global approach to international fisheries management.

Greenpeace recognizes the need to develop or enhance regional and global "infrastructure" for the implementation of fisheries conservation measures. In particular, effective mechanisms are needed at the global level for monitoring, control and surveillance of high seas fisheries to support or enhance regional capacity for fisheries management; to be applied where regional organizations or management is non-existent; and to be applied in cases where a global approach is needed -- for example, monitoring all high seas areas for evidence of continued large-scale driftnet fishing, evidence of reflagging, or the illegal incursion into EEZs by vessels fishing in adjacent high seas areas. This "infrastructure" should consist of, at a minimum:

- i) the establishment of an internationally organized corps of OBSERVERS to be selectively placed aboard high seas fishing fleets to monitor catch, bycatch, gear types etc. This should be part of more comprehensive cooperative mechanisms established to enhance research on the impacts of fishing and other human activities and to ensure the timely collection, analysis and transparency of reliable, comprehensive and verifiable data;
- ii) an internationally coordinated and controlled system of SURVEILLANCE to determine the nationalities and numbers of

vessels, areas and movements of high seas fleets to monitor
reflagging, compliance with regional and global agreements, etc;

iii) an international REGISTRY of all ships capable of
fishing in international waters and an international system for
licensing vessels to fish in international waters, and a related
obligation for all vessels wishing to fish on the high seas to be
entered in the registry and maintain correct records as to
technical details and fishing capacity of the vessel, catches,
areas, seasons, landings and species fished, etc; and

iv) a standardized, multilateral series of PENALTY
PROVISIONS, including but not limited to fines, revocation of
licenses, joint sanctions, and public exposure of violations.

CONCLUSION

Mr Chairman, in conclusion, Greenpeace International urges your
Subcommittee to consider the above positions and recommendations
in its deliberations on the subject of international fisheries
management in the North Pacific and Northwest Atlantic Oceans.

We strongly support the passage of implementing legislation to
allow the United States to become a full participant in the
Northwest Atlantic Fisheries Organization. U.S. vessels have
fished in the international waters of the NAFO Convention area in

the past - including as recently as August 1993 - for species regulated by that body. The participation of any state whose vessels fish in a region covered by international agreement can only be construed as being a fundamental obligation of international law.

Stocks of fish of interest to U.S. vessels, such as flounder and plaice on the 'tail' of the Grand Banks, have been severely depleted in recent years. If the U.S. is to expect any future benefit to be derived from fishing in this region then it is imperative that the U.S. participate in regional efforts to properly conserve and manage NAFO fisheries.

Furthermore, U.S. membership in NAFO is critical if the U.S. is to maintain credibility in international fisheries negotiations. The position of the U.S. in the negotiations concerning the Bering Sea, at ICCAT, IATTC and other regional fora and, most notably, at the United Nations Conference on Straddling and Highly Migratory Fish Stocks is seriously undermined by the U.S. failure to be a full participant at NAFO. Likewise U.S. efforts to pursue the adoption of an international convention for the flagging of vessels to fish on the high seas - the so called "flagging convention". For these and other reasons, the United States' participation in NAFO, as a formal treaty member, is long overdue.

We also would encourage the Subcommittee to closely monitor the

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negotiations at the UN Conference on Straddling and Highly Migratory Fish Stocks. The Conference is currently scheduled to reconvene March 14 - 31 of 1994 with a final session scheduled in August 1994. We would like to recommend that your Subcommittee and/or the full Committee on Merchant Marine and Fisheries, possibly in conjunction with the House Committee on Foreign Affairs, consider holding a hearing on the UN Conference early next year.

Again, thank you for this opportunity to participate in today's hearing. I would be happy to answer any questions that you or other Members of the Subcommittee might have.

ATTACHMENT

NGO STATEMENT: A CALL FOR GLOBAL FISHERIES REFORM

Presented to the UN Conference
on Straddling Fish Stocks and Highly Migratory Fish Stocks
-- United Nations, New York City, July 12-30, 1993 --

1. We, the representatives of the undersigned Non-Governmental Organizations (NGOs), appeal to delegates participating in the UN Conference on Straddling and Highly Migratory Fish Stocks to adopt effective conservation measures. While complementary and coordinated measures are needed at local, national, regional and global levels, this Conference provides a special opportunity to address what is required at the global level. Broadly stated, the decisions of this Conference must:

- ensure conservation and an ecologically sound approach to fishing on the high seas, and encourage adoption of comparable measures in zones of national jurisdiction;
- protect and preserve marine and coastal habitats and other ecologically sensitive areas; and
- support and strengthen artisanal, indigenous, women, traditional and small-scale fishers, fishworkers and fishing communities around the world and their effective representation in national, regional and global forums.

2. The world's fisheries are in crisis. As noted in the "oceans" chapter of Agenda 21, adopted by consensus by 172 governments in Rio de Janeiro in June 1992, fisheries-related problems beyond and within nations' 200-mile zones include overfishing (with many fish stocks at historic lows and fishing effort at historic highs); overcapitalization; excessive fleet size; vessel reflagging; inappropriate fishing gear that results in bycatch, discard and waste of non-targeted fish species and other marine wildlife populations; ecosystem degradation from a range of human activities, unreliable databases, uncertain reporting, inadequate impact assessments and inadequate cooperation among States. Absent major reforms, this crisis promises increasingly harmful ecological, economic and social impacts.

3. Despite a variety of regional fisheries agreements, conservation and management of most high seas fishing has been ineffective, at best. Moreover, while major reforms are needed regarding high seas fishing, there also is an urgent need for fisheries reform within zones of national jurisdiction. All marine living resources, whether under coastal State jurisdiction or on the high seas, require ecologically sound conservation and management mandates like those contained in the UN Convention on the Law of the Sea Convention (UNCLOS). Coastal and high seas fishing states should use the occasion of this Conference to commit to reforms benefitting straddling and highly migratory fish stocks, as well as other living marine resources, marine and coastal ecosystems and affected fishers and fishworkers.

4. The results of the UN Conference must be viewed as legally and politically binding. Options for achieving this might include a new global treaty, a protocol to UNCLOS, and/or regulations or norms of conduct implementing UNCLOS once it enters into force. While these and other options deserve scrutiny, the most important issue is political will: a serious commitment by governments -- individually and collectively -- to accept, implement and be bound by agreements that will make a difference.

5. It is in this introductory context that the actions described in paragraphs 6-16, below, which are not listed in any particular order of priority, should be considered. NGOs have agreed on key points addressed in this appeal in various international forums, including but not limited to NGO meetings during Earth Summit PrepComs; in Rio de Janeiro during the Summit as part of the "alternative" NGO Fisheries Treaty; and at an NGO workshop during the organizational session for the Conference.

A. PRECAUTIONARY APPROACH

6. The precautionary approach is now widely endorsed as a fundamental principle. Applying this principle means exercising caution if there is uncertainty concerning the effects of human interactions with ecosystems. For most human activities affecting marine environments including fishing, particularly large-scale commercial and industrial fishing, the standard approach has been to place short-term economic gains first. Environmental consequences, in contrast, usually get little or no regard until serious problems have already become apparent.

7. UNCLOS's framework for fisheries, though not yet formally in force, strongly supports the precautionary approach -- mandating conservation of living resources in the high seas (Art. 117) as well as in zones of national jurisdiction (Art. 61(2)). Moreover, with UNCLOS (Art. 119(b) and 61(4)) requiring that the effects of fishing practices on associated and dependent species be taken into account, the precautionary approach greatly increases the likelihood that such species will be protected despite uncertainty regarding impacts.

B. ECOLOGICALLY SOUND PRACTICES

8. If the precautionary approach is to succeed, fisheries must be managed from an ecosystem perspective utilizing integrated management principles and conservation objectives which considers human activities that degrade aquatic ecosystems, as well as the ecological impacts of fishing effort (eg, bycatch, discard and waste of non-targeted fish and other marine wildlife; methods of deployment, such as bottom trawling), resource renewal and replacement rates. Moreover, the management of activities must consider the cumulative impacts on ocean ecosystems of such things as agriculture, forestry, aquaculture, land- and sea-based sources

of pollution and coastal/watershed development for tourism, urban, industrial and agricultural purposes.

9. Fisheries regulators, however, continue to struggle with inappropriate stock assessment procedures, single species approaches, inadequate fishery models, and unsound assumptions based on incomplete or erroneous data. These and other problems have undermined the ability of the Maximum Sustainable Yield (MSY) concept to act as an effective standard for conservation-based fisheries management. It is essential that we have long-term, sustainable management, good quality data and vessel-tracking; that traditional knowledge and fisheries management practices be respected; that the science of fisheries management be broadened to incorporate an ecosystem assessment of the impacts of fishing as well as other human activities affecting the marine environment; and that there be enhanced cooperation among regional/global fisheries management bodies to develop these approaches.

C. EQUITY AND BASIC RIGHTS

10. Regarding the issue of equity, access to fishery resources must recognize the needs and rights of fishing communities and be based on equitable principles and not solely on political power and availability of technology and capital. As part of the efforts to advance equity, priority must be given to artisanal fisheries, given their importance as a source of food for local consumption, income and employment in rural areas, and a means of promoting community stability, resource conservation and environmental protection of marine, coastal and inland water areas. At the same time, it is essential that the vital role of women in fisheries and integrated community development be recognized and supported. As part of this effort, effective mechanisms must be provided to ensure women's participation at all levels in decision-making processes on fisheries-related matters.

11. Basic rights, including human rights, must be observed for artisanal fishers, women and other fishworkers in all sectors. Those concerns merit much greater recognition and attention. As part of this effort, minimum standards for safe, healthy and humane working conditions must be applied. In addition, fishers and fishworkers should be assured of the right: a) to form their own organizations which can participate in national planning commissions, fisheries management decisions and fisheries development plans; b) have marine and inland water zones reserved, exclusively, for artisanal fishing activities; and c) have access to credit, social and health services.

D. TRANSPARENCY, ACCOUNTABILITY AND PUBLIC PARTICIPATION

12. In significant part, the current fisheries crisis is the result of policies and programmes developed in decision making processes that exclude affected communities and the public while granting

priority to large economic interests. Several reforms are needed, some of which are addressed in subsection III, above, regarding equity and basic rights. In addition, fisheries-related decision making processes must provide affected parties and the public with access to pertinent information; and allow for consultation and broad participation in policy meetings and decision making processes. In this regard, most existing regional and national regimes (eg, ICCAT) require substantial improvements in these areas. Further, fishworkers and other NGOs must have an active role in monitoring, data collection, compliance, and enforcement of fisheries measures and full participation in environmental, social and economic impact assessments of fisheries management, development, investment and aid.

E. WIDELY ACCEPTABLE CONVENTION ON LAW OF THE SEA

13. The UNCLOS provides a basic legal framework for international cooperation in relation to marine fisheries and other relevant provisions (eg, dispute resolution mechanisms). This view was underscored by governments during the Earth Summit in the agreed Agenda 21 (17.49e) text calling for this Conference. Although the Convention needs follow-on elaboration on issues such as those facing this Conference, overall the benefits of UNCLOS far outweigh the disadvantages. Accordingly, all governments should take steps, expeditiously, to remove obstacles to widespread acceptance of the LOS Convention as a framework for the protection and conservation of the marine environment and its resources. With that objective in mind, the ongoing informal consultations focused on the treaty's seabed mining provisions should expeditiously be brought to successful conclusion, giving added momentum to entry into force.

F. CONSISTENCY

14. "Consistency," as advocated by coastal states, would oblige distant water fishing states to adopt and carry out conservation measures and fisheries operations comparable to measures adopted by coastal states for those same stocks. It's a good principle, as far as it goes, but it also needs to address coastal state responsibilities. For straddling and highly migratory fish stocks, a consistent conservation and management regime must be applied throughout the ranges of the stock to prevent overexploitation and other adverse environmental effects. For this reason, any elaboration of coastal state and distant water state rights in relation to high seas fishing clearly needs to explicitly recognize, and emphasize, responsibility for conservation of the stocks and their habitat both on the high seas and within national zones of jurisdiction. At the same time, such requirements should welcome and encourage the adoption of stricter requirements, nationally and regionally -- given the likelihood that such agreements are far better positioned to address conservation and management issues effectively throughout stock ranges.

G. EFFECTIVE INTERNATIONAL INSTITUTIONAL MECHANISMS

15. Effective international mechanisms are needed to assist in fisheries reform. The adoption of a global "flagging" convention, for example, has the potential for ensuring more effective compliance with conservation and management rules for fishing activities on the high seas. Among other tasks, such mechanisms should provide for:

- effective monitoring, control, surveillance and enforcement of fishing activities;
- periodic global review of the effectiveness of, and compliance with, regional and other international fisheries agreements, and appropriate structures and mechanisms for bringing actions (eg., fines, denial of port access) against States/other parties that fail to conserve and ensure accountability of such agreements;
- periodic environmental impact assessments of fishing and other human activities (eg, oil spills, land-based sources of pollution, plutonium transport by sea, climate change) impacting marine environments; and
- a global fisheries Conservation Fund.

16. Regarding the "Conservation Fund", the UN FAO estimates that 9-12 million tons of fish were caught on the high seas in 1989 and that 6 countries -- USSR, Japan, Spain, Poland, Republic of Korea, and Taiwan Province of China -- accounted for approximately 90% of distant water fish catches. FAO is unclear regarding distant water catches on the high seas compared to distant water catches in other countries EEZs; but it appears that relatively few countries are responsible for the majority of fishing on the high seas. Fees should be assessed for fishing in international waters -- in effect the global commons -- with the revenues placed in a Fund that would be administered and operated jointly by governmental and NGO representatives. The main focus of the Fund should be: i) financing global mechanisms necessary for the conservation and management of high seas fisheries; and ii) conservation and protection of habitat (eg, mangrove swamps and other coastal wetlands, coral reefs) for straddling and highly migratory fish stocks, capacity building for fishworkers and fishing communities) within EEZs, primarily for the benefit of less industrialized countries.

* * *

17. As representatives of the undersigned NGOs, we urge delegates participating in this Conference to include the above stated recommendations, actions and initiatives as key components of the results of the Conference.

AGREED AND ENDORSED BY:

[List of 127 Endorsements Separately Appended to this Statement]

**LIST OF 127 ORGANIZATIONS ENDORSING THE NGO STATEMENT (as of 8/93)
"A CALL FOR GLOBAL FISHERIES REFORM"**

**For the United Nations Conference on Straddling Fish Stocks
and Highly Migratory Fish Stocks, 12 - 30 July, 1993**

AUSTRALIA

Friends of the Earth, Fitzroy
International Environmental Law Center, Sydney
North Queensland Conservation Council, Townsville

BRAZIL

Associaco dos Cercadeiros - Pedra de Guaratiba, Rio de Janeiro
Associaco dos Mancultores de Jurujuba, Rio de Janeiro
Associaco dos Pescadores do Porto da Pedreira, Rio de Janeiro
Associaco dos Pescadores do Rio Sao Joao, Cabo Frio
Associaco Livre dos Pescadores da Ilha da Conceicao, Rio de Janeiro
Associaco Livre dos Pescadores da Favela do Gato, Niteroi
Associaco Uniao dos Pescadores de Jurujuba, Rio de Janeiro
Colonia de Pescadores da Ilha de Itaoca, Itaoca
Colonia de Pescadores da Ilha de Paquetá, Paquetá
Colonia de Pescadores No.19 da Praia de Olaria, Olaria
Colonia Z-8 de Niteroi e Sao Goncalo, Niteroi
Colonias de Pescadores de Afua, Amapa, Barreirinha, Calcoene, Macapa, Mazagao, Oiapoque, Santana, e Sucuriu
Conselho Pastoral dos Pescadores, Fortaleza
Federacao de Orgaos para Assistencia Social e Educacional, Rio de Janeiro
Fundacao Brasileira para a Conservacao da Natureza, Rio de Janeiro
Grupo Ambientalista da Bahia, Salvador
Grupo de Defesa Ecologista (GRUDE), Rio de Janeiro
Movimento Ecologico Tubaronense, Tubarao
Movimento dos Pescadores do Ceara, Aracati
Nucleo de Defesa Ecologica da Ilha de Paquetá, Paquetá
Politicas Alternativas para o Cone Sul, Rio de Janeiro
Research Center on Maritime Cultures, University of Sao Paulo
SOS Sobrevencia, Fortaleza

CANADA

Action: Environment, St. John's
British Columbia Canadian Parks and Wilderness Society, Vancouver
Canadian Environmental Network Oceans Caucus, Ottawa
Citizens Against Pollution, New Glasgow
Codfish Coalition of Nova Scotia, Halifax
Environmental Coalition of Prince Edward Island, Charlottetown Extension Community Development Cooperative, St. John's
Fishers Organized for the Revitalization of Communities and Ecosystems, Petty Harbour
Friends of the Island, Charlottetown
Greengrass Institute, British Columbia
Kings Environmental Group, Wolfville
Maritime Fisherman's Union Clean Ocean Campaign, Pictou
Ocean Voice International, Ottawa
Poetical Asylum, Charlottetown

Save Georgia Strait Alliance, British Columbia
Tusket River Environmental Protection Association, Port Maitland

CHILE

Confederacion Nacional de Pescadores Artesanales de Chile, Valparaiso
Organizacion de Tripulantes Pesqueros del Cono Sur de America Latina, Valparaiso
FRETRINEJ, Valparaiso

ECUADOR

FENACOPEC/CISP, Proyecto Manabi, Manabi

Fiji

Women and Fisheries Network, Suva

FRANCE

APRM - CPIE, Fouras
CCFD, Paris
Collectif Environnement a Dimension Internationale (CEDI), Paris Comite de Liaison des Associations Pour L'Environnement Du Languedoc-Roussillon, Montpellier
Pech et developpement, Lorient
Societe de Protection de la Nature Du Languedoc Roussillon, Montpellier

GREECE

Centre for the Study and Protection of Sea Turtles in the Mediterranean, Zakynthos
Hellenic Society for the Study and Protection of the Monk Seal, Athens
Pan-Hellenic Union of Fishery Associations for Inshore Fisheries, Volos
Sea Turtle Protection Society, Athens
Worldwide Fund for Nature/Greece, Athens

GUINEA

Guinee Ecologie, Conakry
Union Guineenne Des Volontaires Du Developpement, Labé
Volontaires Guineens Pour L'Environnement, Conakry
Entraide Universitaire Pour Le Developpement, Conakry

INDIA

International Collective in Support of Fishworkers, Madras
Earth Foundation

ITALY

Comision Ambiente COCIS, Rome
Comitato Internazionale per los Sviluppo dei Popoli, Rome
Controinformazione Terzo Mondo, Rome
Lega per l'Ambiente, Rome
Movimento Liberazione e Sviluppo, Rome
Osservatorio della Cooperazione allo Sviluppo, Rome
Terra Nuova, Rome

JAPAN

Japan Environment Action Network (JEAN), Tokyo
Monkey Bay Wildlife Fund, Tokyo

MALAYSIA

Asia-Pacific Peoples' Environmental Network, Panang
Sahabat Alam (Friends of the Earth), Panang
Third World Network, Panang

MALTA

International Ocean Institute, Valetta

MEXICO

DEBASE, Mexico City
ECOSOLAR A.C. Mexico City
Federación Conservacionista Mexicana A.C. Mexico City
Grupo de Apoyo a Pescadores Riberenos, Mexico City
Grupo de Estudios Ambeiales, Mexico City
Grupo de los Cien, Mexico City
Pacto de Grupos Ecologistas
Red Mexicana de Acción Ecológica y Pacifista
(ECOPAZ-Mexico), Mexico City
Red Mexicana de Acción Frente al Libre Comercio, Mexico
City Red Nacional de Pescadores Riberenos y Aguas
Intiores, Mexico City
Sindicato Único de Trabajadores de la Secretaría de Pesca,
Mexico City
Sociedad Cooperativa de Trabajadores de Productos del Mar,
Tepepan

NETHERLANDS

Greenpeace International, Amsterdam
Netherlands Committee for IUCN, Amsterdam

NIGERIA

Pan-African Movement International, Lagos

NORWAY

Fremtiden i Vaare Hender, Oslo

PHILLIPINES

Nationwide Coalition of Fisherfolk for Aquatic Reform,
Manila

RUSSIA

Association of Fishing Joint Ventures, Moscow
Association of Independent Fishery Workers of the
Kalininograd Region, Kalininograd
The Union of Independent Fishery Workers, Moscow

SENEGAL

ENDA Tiers Monde (Environment and Development in the
Third World), Dakar

SPAIN

Amigos de los Indios, Madrid
Derechos Humanos, Madrid
JEPALÁ, Madrid
Instituto Sindical de Cooperación al Desarrollo (ISCOD),
Madrid Justicia y Paz España, Madrid
OPEGUI (Organización de Productores de Guipúzcoa)

SWEDEN

Swedish National Sportfishing Association, Spanga

SWITZERLAND

WWF International, Gland

TUNISIA

ENDA inter-arabe "AL MOUHT WATTANMYA", Anana

USA

Alaska Marine Conservation Council, Anchorage
American Oceans Campaign, Los Angeles
Antarctic and Southern Ocean Coalition, Washington DC
Center for Marine Conservation, Washington DC
Environmental Defense Fund, New York
National Audubon Society, New York
Natural Resources Defense Council, New York
Ocean Advocates, Silver Spring, Maryland
Women's Environment and Development Organization,
New York
World Federalist Movement, New York
WWF - US, Washington DC

United Kingdom

Catholic Institute for International Relations, London
Christian Aid, London
Environmental Investigation Agency, London, UK
Intermediate Technology Development Group, Rugby
Marine Conservation Society, Herefordshire, UK
Namibia Support Committee, London
Third World First, Oxford, UK
War on Want, London
Women's Environmental Network, London, UK
World Development Movement, London, UK
World Wildlife Fund - UK

103D CONGRESS
1ST SESSION

H. CON. RES. 135

Calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the Donut Hole.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1993

Mr. YOUNG of Alaska (for himself, Mr. STUDDS, Mr. MANTON, Mr. FIELDS of Texas, and Mr. SAXTON) submitted the following concurrent resolution; which was referred to the Committee on Merchant Marine and Fisheries

CONCURRENT RESOLUTION

Calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the Donut Hole.

Whereas there exists a small, central enclave in the Bering Sea known as the Donut Hole that is more than two hundred nautical miles seaward of the baselines from which the breadth of the territorial seas of the United States and the Russian Federation are measured and that encompasses less than 10 percent of the Bering Sea;

Whereas the Donut Hole and surrounding areas have been part of one of the world's most productive regions of fishing for important commercial species;

Whereas one of the most highly valued fisheries is the Aleutian Basin pollock stock which straddles the United States and Russian exclusive economic zones and the Donut Hole but spawns only inside the exclusive economic zones;

Whereas fishing in the Donut Hole for the Aleutian Basin pollock stock began only in the mid-1980's and does not constitute a traditional high seas fishery;

Whereas the past productivity of these fishery resources has resulted in their overuse and their subsequent dramatic declines exemplified by the harvest of Aleutian Basin pollock by fishermen from distant-water fishing nations which has recently plummeted from a peak of approximately one million four hundred thousand metric tons in 1989 to a low of approximately ten thousand metric tons in 1992;

Whereas in an effort to prevent the commercial extinction of the Aleutian Basin pollock stock, the Russian Federation and the United States substantially reduced, then suspended, domestic fisheries inside their respective exclusive economic zones;

Whereas conservation of the fishery resources in the exclusive economic zones has little success if similar conservation measures are not achieved in the Donut Hole;

Whereas the United States and the Russian Federation have made significant efforts with the distant-water fishing nations to negotiate effective conservation and management arrangements for the Donut Hole;

Whereas the distant-water fishing nations refused to suspend operations until the fishery collapsed and was no longer economically viable;

Whereas international law attempts to balance freedom of fishing in international waters with the interests of the coastal states in conserving and developing fish stocks within their own exclusive economic zones and the interests of all nations in conserving the living marine resources, but these efforts may not succeed due to the inherent difficulty associated with establishing effective conservation, management, and enforcement controls in international waters;

Whereas international negotiations have not yet succeeded in reaching a permanent means to control fishing in the Donut Hole despite continuing attempts to resolve the issues since the 1980's;

Whereas on April 4, 1993, at the Vancouver Summit, the Presidents of the United States and the Russian Federation agreed, *inter alia*, "to develop bilateral fisheries co-operation in the Bering Sea, the North Pacific, and the Sea of Okhotsk for the purpose of preservation and reproduction of living marine resources and of monitoring the ecosystem of the North Pacific Ocean";

Whereas the Congress of the United States has passed the Central Bering Sea Fisheries Enforcement Act of 1992 (Public Law 102-582) which denies port privileges to those vessels that violate international agreements concerning Central Bering Sea fishery resources;

Whereas the collaborative conservation efforts of the United States, Russian Federation, and distant-water fishing nations will provide enhanced fishery resources;

Whereas delegates from the People's Republic of China, Japan, the Republic of Korea, the Republic of Poland, the Russian Federation, and the United States signed a joint resolution at the Fifth Conference on the Conservation and Management of the Living Marine Resources of the Central Bering Sea on August 14, 1992, which provided for a temporary suspension of all commercial fishing in the Donut Hole during 1993 and 1994;

Whereas these delegations met most recently in Tokyo in June, 1993, to negotiate a long-term management agreement for the Donut Hole and were not able to finalize such an agreement;

Whereas delegates from each of these nations have expressed their consensus concerns for the long-term conservation and management of the fishery resources of the Donut Hole: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That it is the sense of the Congress that—*

3 (1) the United States should take appropriate
4 measures to conserve the resources of the Donut
5 Hole;

6 (2) the United States should continue its pur-
7 suit of an international agreement, consistent with
8 its rights as a coastal state, to ensure proper man-
9 agement for future commercial viability of these nat-
10 ural resources;

11 (3) the United States, working closely with the
12 Russian Federation should, in accordance with inter-

1 national law and through multilateral consultations
2 or through other means, promote effective inter-
3 national programs for the implementation and en-
4 forcement of regulations of the fisheries by those na-
5 tions that fish in the Donut Hole;

6 (4) the United States nonetheless should be
7 mindful of its management responsibility in this re-
8 gard and of its rights in accordance with inter-
9 national law to fully utilize the stock within its own
10 exclusive economic zone;

11 (5) the United States should accept as an ur-
12 gent duty the need to conserve for future genera-
13 tions the Aleutian Basin pollock stock and should
14 carry out that duty by taking all necessary meas-
15 ures, in accordance with international law; and

16 (6) the United States should foster further mul-
17 tilateral cooperation leading to international consen-
18 sus on management of the Donut Hole resources
19 through the fullest use of diplomatic channels and
20 appropriate domestic and international law and
21 should explore all other available options and means
22 for conservation and management of these living ma-
23 rine resources.

103D CONGRESS
1ST SESSION

H. R. 3058

To implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1993

Mr. STUDDS (for himself and Mr. MANTON) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northwest Atlantic
5 Fisheries Convention Act of 1993”.

6 **SEC. 2. REPRESENTATION OF UNITED STATES UNDER CON-
7 VENTION.**

8 (a) **COMMISSIONERS.—**

9 (1) **APPOINTMENTS, GENERALLY.**—The Sec-
10 retary shall appoint not more than three individuals

1 to serve as the representatives of the United States
2 on the General Council and the Fisheries Commis-
3 sion, who shall each—

4 (A) be known as a “United States Com-
5 missioner to the Northwest Atlantic Fisheries
6 Organization”; and

7 (B) serve at the pleasure of the Secretary.

8 (2) REQUIREMENTS FOR APPOINTMENTS —

9 (A) The Secretary shall ensure that of the
10 individuals serving as Commissioners.—

11 (i) at least one is appointed from
12 among representatives of the commercial
13 fishing industry; and

14 (ii) one (but no more than one) is an
15 official of the Government.

16 (B) The Secretary may not appoint as a
17 Commissioner an individual unless the individ-
18 ual is knowledgeable and experienced concern-
19 ing the fishery resources to which the Conven-
20 tion applies.

21 (3) TERMS.—

22 (A) The term of an individual as a
23 Commissioner—

24 (i) shall be specified by the Secretary
25 at the time of appointment; and

1 (ii) may not exceed four years.

(B) An individual who is not a Government official may not serve more than two consecutive terms as a Commissioner.

5 (b) ALTERNATE COMMISSIONERS.—

17 (c) REPRESENTATIVES.—

18 (1) APPOINTMENT.—The Secretary shall ap-
19 point not more than three individuals to serve as the
20 representatives of the United States on the Scientific
21 Council, who shall each be known as a "United
22 States Representative to the Northwest Atlantic
23 Fisheries Organization Scientific Council".

24 (2) ELIGIBILITY FOR APPOINTMENT.—

11 (A) shall serve for a term of not to exceed
12 four years, as specified by the Secretary at the
13 time of appointment;

14 (B) may be reappointed; and

15 (C) shall serve at the pleasure of the Sec-
16 retary.

17 (d) ALTERNATE REPRESENTATIVES.—

23 (2) FUNCTIONS.—An Alternate Representative
24 may exercise all powers and perform all duties of the
25 Representative for whom the Alternate Commiss-

1 sioner is designated, at any meeting of the Scientific
2 Council for which the Alternate Representative is
3 designated.

4 (e) EXPERTS AND ADVISERS.—The Commissioners,
5 Alternate Commissioners, Representatives, and Alternate
6 Representatives may be accompanied at meetings of the
7 Organization by experts and advisers.

8 (f) COORDINATION AND CONSULTATION.—

9 (1) IN GENERAL.—In carrying out their func-
10 tions under the Convention, Commissioners, Alter-
11 nate Commissioners, Representatives, and Alternate
12 Representatives shall—

13 (A) coordinate with the appropriate Re-
14 gional Fishery Management Councils estab-
15 lished by section 302 of the Magnuson Act (16
16 U.S.C. 1852); and

17 (B) consult with the committee established
18 under section 9.

19 (2) RELATIONSHIP TO OTHER LAW.—The Fed-
20 eral Advisory Committee Act (5 U.S.C. App.) shall
21 not apply to coordination and consultations under
22 this subsection.

23 **SEC. 3. REQUESTS FOR SCIENTIFIC ADVICE.**

24 (a) RESTRICTION.—The Representatives may not
25 make a request or specification described in subsection

1 (b)(1) or (2), respectively, unless the Representatives have
2 first—

3 (1) consulted with the appropriate Regional
4 Fishery Management Councils; and

5 (2) received the consent of the Commissioners
6 for that action.

7 (b) REQUESTS AND TERMS OF REFERENCE DE-
8 SCRIBED.—The requests and specifications referred to in
9 subsection (a) are, respectively—

10 (1) any request, under Article VII(1) of the
11 Convention, that the Scientific Council consider and
12 report on a question pertaining to the scientific basis
13 for the management and conservation of fishery re-
14 sources in waters under the jurisdiction of the
15 United States within the Convention Area; and

16 (2) any specification, under Article VIII(2) of
17 the Convention, of the terms of reference for the
18 consideration of a question referred to the Scientific
19 Council pursuant to Article VII(1) of the Conven-
20 tion.

21 **SEC. 4. AUTHORITIES OF SECRETARY OF STATE WITH RE-
22 SPECT TO CONVENTION.**

23 The Secretary of State may, on behalf of the Govern-
24 ment of the United States—

1 (1) receive and transmit reports, requests, rec-
2 ommendations, proposals, and other communications
3 of and to the Organization and its subsidiary or-
4 gans;

5 (2) object, or withdraw an objection, to the pro-
6 posal of the Fisheries Commission;

7 (3) give or withdraw notice of intent not to be
8 bound by a measure of the Fisheries Commission;

9 (4) object or withdraw an objection, to an
10 amendment to the convention; and

11 (5) act upon, or refer to any other appropriate
12 authority, any other communication referred to in
13 paragraph (1).

14 SEC. 5. INTERAGENCY COOPERATION.

15 (a) AUTHORITIES OF SECRETARY.—In carrying out
16 the provisions of the Convention and this Act, the Sec-
17 retary may arrange for cooperation with other agencies of
18 the United States, the States, the New England Fishery
19 Management Council, and private institutions and organi-
20 zations.

21 (b) OTHER AGENCIES.—The head of any Federal
22 agency may—

1 for the purposes of assisting the Organization in
2 carrying out its duties under the Convention; and

3 (2) accept reimbursement from the Organiza-
4 tion for providing such services, facilities, and per-
5 sonnel.

6 **SEC. 6. RULEMAKING.**

7 The Secretary shall promulgate regulations as may
8 be necessary to carry out the purposes and objectives of
9 the Convention and this Act. Any such regulation may be
10 made applicable, as necessary, to all persons and all ves-
11 sels subject to the jurisdiction of the United States, wher-
12 ever located.

13 **SEC. 7. PROHIBITED ACTS AND PENALTIES.**

14 (a) **PROHIBITION.**—It is unlawful for any person or
15 vessel that is subject to the jurisdiction of the United
16 States—

17 (1) to violate any regulation issued under this
18 Act or any measure that is legally binding on the
19 United States under the Convention;

20 (2) to refuse to permit any authorized enforce-
21 ment officer to board a fishing vessel that is subject
22 to the person's control for purposes of conducting
23 any search or inspection in connection with the en-
24 forcement of this Act, any regulation issued under

1 this Act, or any measure that is legally binding on
2 the United States under the Convention;

3 (3) forcibly to assault, resist, oppose, impede,
4 intimidate, or interfere with any authorized enforce-
5 ment officer in the conduct of any search or inspec-
6 tion described in paragraph (2);

7 (4) to resist a lawful arrest for any act prohib-
8 ited by this section;

9 (5) to ship, transport, offer for sale, sell, pur-
10 chase, import, export, or have custody, control, or
11 possession of, any fish taken or retained in violation
12 of this section; or

13 (6) to interfere with, delay, or prevent, by any
14 means, the apprehension or arrest of another person,
15 knowing that the other person has committed an act
16 prohibited by this section.

17 (b) CIVIL PENALTY.—Any person who commits any
18 act that is unlawful under subsection (a) shall be liable
19 to the United States for a civil penalty, or may be subject
20 to a permit sanction, under section 308 of the Magnuson
21 Act (16 U.S.C. 1858).

22 (c) CRIMINAL PENALTY.—Any person who commits
23 an act that is unlawful under paragraph (2), (3), (4), or
24 (6) of subsection (a) shall be guilty of an offense punish-

1 able under section 309(b) of the Magnuson Act (16 U.S.C.
2 1859(b)).

3 (d) CIVIL FORFEITURE.—

4 (1) IN GENERAL.—Any vessel (including its
5 gear, furniture, appurtenances, stores, and cargo)
6 used in the commission of an act that is unlawful
7 under subsection (a), and any fish (or the fair mar-
8 ket value thereof) taken or retained, in any manner,
9 in connection with or as a result of the commission
10 of any act that is unlawful under subsection (a),
11 shall be subject to seizure and forfeiture as provided
12 in section 310 of the Magnuson Act (16 U.S.C.
13 1860).

14 (2) DISPOSAL OF FISH.—Any fish seized pursu-
15 ant to this Act may be disposed of pursuant to the
16 order of a court of competent jurisdiction or, if per-
17 ishable, in a manner prescribed by regulations issued
18 by the Secretary.

19 (e) ENFORCEMENT.—The Secretary and the Sec-
20 retary of the Department in which the Coast Guard is op-
21 erating shall enforce the provisions of this Act and shall
22 have the authority specified in sections 311(a), (b)(1), and
23 (c) of the Magnuson Act (16 U.S.C. 1861(a), (b)(1), and
24 (c)) for that purpose.

1 (f) JURISDICTION OF COURTS.—The district courts
2 of the United States shall have exclusive jurisdiction over
3 any case or controversy arising under this section and
4 may, at any time—

5 (1) enter restraining orders or prohibitions;
6 (2) issue warrants, process in rem, or other
7 process;
8 (3) prescribe and accept satisfactory bonds or
9 other security; and
10 (4) take such other actions as are in the inter-
11 ests of justice.

12 **SEC. 8. UNITED STATES-CANADA FISHERY MANAGEMENT**

13 **AGREEMENT.**

14 (a) NEGOTIATIONS.—Not later than one hundred and
15 eighty days after the date of enactment of this Act, the
16 Secretary of State, in consultation with the Secretary of
17 Commerce and the Committee established under section
18 9, is authorized and encouraged to initiate negotiations
19 with the Government of Canada for the purpose of enter-
20 ing into an international fishery agreement with Canada
21 for the conservation and management of fisheries of mu-
22 tual concern in the northwest Atlantic Ocean, with par-
23 ticular emphasis on transboundary stocks of groundfish
24 and ensuring the success of New England groundfish res-
25 toration efforts pursuant to the Magnuson Act.

1 (b) CONTENTS OF AGREEMENT.—An agreement en-
2 tered into pursuant to this section shall—

3 (1) provide for timely and periodic exchanges of
4 scientific information relating to the conservation
5 and management of fisheries stocks of mutual con-
6 cern;

7 (2) provide for routine meetings between the of-
8 ficials of the United States and Canada responsible
9 for the conservation and management of fisheries;

10 (3) establish procedures for the identification of
11 conservation and management measures that would
12 be mutually beneficial; and

13 (4) identify procedures for the implementation
14 within each country of conservation and manage-
15 ment measures identified as mutually beneficial.

16 (c) APPLICATION OF EXISTING LAW.—An agreement
17 entered into pursuant to this section shall be subject to
18 section 203 of the Magnuson Act (16 U.S.C. 1823).

19 (d) LETTER.—Not later than one year after the date
20 of enactment of this Act, and annually thereafter until the
21 effective date of an agreement entered into pursuant to
22 this section, the Secretary of State shall transmit to the
23 Congress a letter describing activities of the Secretary
24 under this section.

1 SEC. 9. CONSULTATIVE COMMITTEE.

2 (a) ESTABLISHMENT.—The Secretary of State and
3 the Secretary of Commerce, shall jointly establish a con-
4 sultative committee to advise the Secretaries on issues re-
5 lated to the Convention and in the development and imple-
6 mentation of a fishery agreement pursuant to section 8.

7 (b) MEMBERSHIP.—(1) The membership of the Com-
8 mittee shall include representatives from the New England
9 Fishery Management Council, the States represented on
10 that Council, the Atlantic States Marine Fisheries Com-
11 mission, the fishing industry, the seafood processing in-
12 dustry, and others knowledgeable and experienced in the
13 conservation and management of fisheries in the North-
14 west Atlantic Ocean.

15 (2) TERMS AND REAPPOINTMENT.—Each member of
16 the consultative committee shall serve for a term of two
17 years and shall be eligible for reappointment.

18 (c) DUTIES OF THE COMMITTEE.—

19 (1) NORTHWEST ATLANTIC FISHERIES ORGANI-
20 ZATION.—Members of the consultative committee
21 may attend—

22 (A) all public meetings of the General
23 Council or the Fisheries Commission;

24 (B) any other meetings to which they are
25 invited by the General Council or the Fisheries
26 Commission; and

1 (C) all nonexecutive meetings of the
2 United States Commissioners.

3 (2) UNITED STATES-CANADA FISHERIES MAN-
4 AGEMENT AGREEMENT.—Members of the consult-
5 ative committee shall advise the the Seeretaries on
6 any agreements established under section 8.

7 (d) RELATIONSHIP TO OTHER LAW.—The Federal
8 Advisory Committee Act (5 U.S.C. App.) shall not apply
9 to the consultative committee established under this
10 section.

11 SEC. 10. ADMINISTRATIVE MATTERS.

12 (a) PROHIBITION ON COMPENSATION.—A person
13 shall not receive any compensation from the Government
14 by reason of any service of the person as—

15 (1) a Commissioner, Alternate Commissioner,
16 Representative, or Alternative Representative;

17 (2) an expert or adviser authorized under section 2(e); or
18

19 (3) a member of the consultative committee es-
20 tablished by section 9.

21 (b) TRAVEL AND EXPENSES.—The Secretary of
22 State shall, subject to the availability of appropriations,
23 pay all necessary travel and other expenses of persons de-
24 scribed in subsection (a)(1) and of not more than six ex-
25 perts and advisers authorized under section 2(e) with re-

1 spect to their actual performance of their official duties
2 pursuant to this Act, in accordance with the Federal Trav-
3 el Regulations and sections 5701, 5702, 5704 through
4 5708, and 5731 of title 5, United States Code.

5 (e) STATUS AS FEDERAL EMPLOYEES.—A person
6 shall not be considered to be a Federal employee by reason
7 of any service of the person in a capacity described in sub-
8 section (a), except for purposes of injury compensation
9 and tort claims liability under chapter 81 of title 5, United
10 States Code, and chapter 17 of title 28, United States
11 Code, respectively.

12 **SEC. 11. DEFINITIONS.**

13 In this Act the following definitions apply:

14 (1) AUTHORIZED ENFORCEMENT OFFICER.—
15 The term “authorized enforcement officer” means a
16 person authorized to enforce this Act, any regulation
17 issued under this Act, or any measure that is legally
18 binding on the United States under the Convention.

19 (2) COMMISSIONER.—The term “Commis-
20 sioner” means a United States Commissioner to the
21 Northwest Atlantic Fisheries Organization appointed
22 under section 2(a).

23 (3) CONVENTION.—The term “Convention”
24 means the Convention on Future Multilateral Co-

1 operation in the Northwest Atlantic Fisheries, done
2 at Ottawa on October 24, 1978.

3 (4) FISHERIES COMMISSION.—The term “Fish-
4 eries Commission” means the Fisheries Commission
5 provided for by Articles II, XI, XII, XIII, and XIV
6 of the Convention.

7 (5) GENERAL COUNCIL.—The term “General
8 Council” means the General Council provided for by
9 Article II, III, IV, and V of the Convention.

10 (6) MAGNUSON ACT.—The term “Magnuson
11 Act” means the Magnuson Fishery Conservation and
12 Management Act (16 U.S.C. 1801 et seq.).

13 (7) ORGANIZATION.—The term “Organization”
14 means the Northwest Atlantic Fisheries Organiza-
15 tion provided for by Article II of the Convention.

16 (8) PERSON.—The term “person” means any
17 individual (whether or not a citizen or national of
18 the United States), and any corporation, partner-
19 ship, association, or other entity (whether or not or-
20 ganized or existing under the laws of any State).

21 (9) REPRESENTATIVE.—The term “Represen-
22 tative” means a United States Representative to the
23 Northwest Atlantic Fisheries Scientific Council ap-
24 pointed under section 2(c).

1 (10) SCIENTIFIC COUNCIL.—The term "Sci-
2 entific Council" means the Scientific Council pro-
3 vided for by Articles II, VI, VII, VIII, IX, and X of
4 the Convention.

7 SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

8 There are authorized to be appropriated to carry out
9 this Act, including use for payment as the United States
10 contribution to the Organization as provided in Article
11 XVI of the Convention, \$500,000 for each of the fiscal
12 years 1994, 1995, and 1996.

New England Fishery Management Council

5 Broadway · Saugus, Massachusetts 01906-1097
TEL (617) 231-0422 · FTS 565-8457
FAX (617) 565-8937 · FTS 565-8937

Chairman
Joseph M. Brancaleone

Executive Director
Douglas G. Marshall

November 5, 1993

The Honorable Thomas Manton, Chairman
U.S. House of Representatives
Subcommittee on Fisheries Management
Ford House Office Building
300 D Street, SW
Washington, D.C. 20515

Dear Mr. Chairman:

I apologize for the lateness of this response to the subcommittee request for our views on full U.S. participation in the North Atlantic Fisheries Organization (NAFO). We understand that H.R. 3058, the implementing legislation, was voted out of the House of Representatives on November 3 as part of H.R. 3118, a bill to limit fishing by U.S. vessels in the Sea of Okhotsk.

After extensive discussion at our most recent meeting, the Council decided by unanimous vote that it does not support passage of H.R. 3058 in its present form. On a national level Council members recognize the arguments for our accession to the treaty. On a regional basis and from the viewpoint of the fishing industry, a number of our members see little to be gained and considerable potential loss to fishermen from full participation. Our industry advisors and other interested parties are almost uniformly opposed to a U.S. role beyond the existing observer status.

Particularly disturbing are the provisions in Section 8 of the bill that deal with a process for fishery negotiations between the United States and Canada. We are, and have been, aware that proper management of resources of mutual concern requires good communications and consistent management programs. The language in the bill implies that "measures" for management would be the same on both sides of the boundary. Both we (NMFS and Council officers) and the Canadians (DFO and industry organization officers) have agreed as recently as last month that while measures on both sides should be consistent and complement each other, those measures need not be identical and neither our management system nor theirs need be changed to accomplish such consistency.

Some of the goals of the desired U.S.-Canada agreement are already in place. There are regular informal exchanges between DFO and NMFS and an ongoing scientific dialogue. The appointment of members of our Council under Section 9 to a "consultative committee" to advise the federal officials who would conclude some sort of an "agreement" would clearly be a derogation of the Council's management role

The Hon. Thomas Manton

2

November 5, 1993

and authority under the Magnuson Act. There is concern within the industry that NAFO rules and procedures could and possibly would override Council established management programs not only for transboundary stocks between the U.S. and Canada, but also for straddling stocks between the U.S. and the NAFO area outside both countries' 200 mile zones.

We urge that the legislation, particularly Sections 8 and 9, be changed to fully preserve the Council as the core management plan development mechanism for U.S. marine fisheries in the northwest Atlantic area.

Sincerely,

Joe Brancaleone
Joseph Brancaleone
Chairman (Don)

cc: NOAA/NMFS/AA Dr. Schmitt
Senate Commerce Committee
New England Delegation

小杉 隆

KOSUGI TAKASHI President GLOBE International

Global Legislators Organisation for a Balanced Environment

Vice-President
John Kerry
U.S. CongressVice-President
Hemmo Muntingh
European ParliamentVice-President
Akiko Domoto
Japanese DietVice-President
Nikolay Vorontsov
Russian Parliament

August 31, 1993

Mr. Takeeshi Kubota
 Director-General
 Department of Oceanic Fisheries
 Fisheries Agency of Japan
 Ministry of Agriculture, Forestry and Fisheries
 2-1, Kasumigaseki 1-chome
 Chiyado-ku, Tokyo 100 Japan

Dear Mr. Kubota:

We are writing as members of the Global Legislators Organization for a Balanced Environment (GLOBE) to express our strong concern over the conservation crisis brought about by over-fishing in the central Bering Sea. We urge your government to take immediate steps to establish an international fishery agreement for the conservation and management of the marine resources in this region.

The area of concern is a small enclave encircled by the 200 mile exclusive economic zones of the Russian Federation and the United States, commonly referred to as the Donut Hole. A stock of pollock -- the Aleutian Basin stock -- straddles the U.S. and Russian zones and the Donut Hole area.

Fishing for pollock in the Donut Hole began in the mid 1980s and quickly expanded from a total harvest of about 360,000 metric tons in 1985 to a peak of roughly 1.4 million metric tons in 1989. The fishery collapsed over the next two years to such an extent that by 1992 only 10,000 metric tons were harvested.

The pollock caught in the Donut Hole spawn in the coastal waters of Russia and the U.S. Yet efforts by the two countries to reach a long-term agreement with the distant-water fishing nations have been unsuccessful to date. Unilateral actions to reduce harvest inside U.S. and Russian waters have been ineffective in conserving stocks without harvest restrictions also on distant-water fishing nations. Sadly, it was not until 1992 when the fishery was no longer economically viable that fishing was voluntarily suspended by the distant water fishing nations for 1993 and 1994.

To date, there have been seven multilateral conferences and numerous other meetings convened to establish an agreement for managing pollock in the Donut Hole. These efforts have produced some short term progress, but only after a conservation crisis had been reached. Regrettably, however, the goal of establishing a meaningful and effective international conservation regime has been elusive.

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It is clear that a long-term multilateral agreement for managing pollock in the Donut Hole must soon be reached. All nations must understand the need to protect the resource through appropriate conservation and management. We urge you to accept responsibility and demonstrate strong leadership to achieve this goal at the Eighth Conference on the Conservation and Management of the Living Marine Resources of the Central Bering Sea, to be hosted by the Republic of Korea, In Soeul, In October 1993.

Sincerely,

Takashi Kosugi

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Akiko Domoto

Akiko Domoto
President, GLOBE Japan

John Kerry

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9 September 1993

The Honorable Don Young
U.S. House of Representatives
Washington DC 20515

Dear Congressman Young:

I am writing to express the strong support of American High Seas Fisheries Association for House Concurrent Resolution 135. This resolution expresses the support of the U.S. Congress for establishing a fishery management program for the international waters of the Bering Sea, known as the Donut Hole.

The lack of an international agreement to establish such a program has been a source of great frustration for us. The pollock stocks that are found in the Donut Hole originate in U.S. and Russian waters - there are no separate stocks that are indigenous to the Donut Hole. For some years U.S. fishermen relied heavily on the income from harvesting those stocks in U.S. waters, but uncontrolled fishing by foreign nations in international waters resulted in a collapse of the resource. U.S. fishermen were prohibited from harvesting these fish in an effort to achieve conservation of the resource. Similar efforts by the foreign fishing nations, however, were not forthcoming until it was no longer economically feasible to do otherwise.

We are extremely concerned that the foreign nations will again begin fishing on these stocks at the first sign of a stock increase, and that there will continue to be no controls on them. An indication from Congress that the United States regards this situation as serious will, we believe, be of great assistance in the international negotiations that have so far been fruitless.

Thank you very much for introducing this legislation. Please let us know if we can be of assistance in its passage.

Sincerely,

Kate Graham
Kate Graham
Executive Director

cc: Congressman Gerry Studds
Congressman Tom Manton

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